

Appendix B

Summary of responses and proposed amendments to Statement of Licensing Policy

Consultee	Observations	Comment / Action Taken	Amendments to Licensing Policy
Deal Town Council	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 in 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 behavior.	Noted.	No change proposed.
Deal Town Council	Deal Town 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.	Noted. Where particular premises are identified as being an issue, licensing enforcement resources could be utilized to target those specific premises.	No change proposed

Cllr B Gardner	All 45 DDC Councillors 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.	This is a procedural matter, and is therefore not relevant as part of this consultation. It should be noted that all DDC Councillors are currently notified and this process remains unchanged.	No change proposed.
Cllr B Gardner	All 45 DDC Councillors 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.	This relates to street furniture, and is therefore not relevant as part of this consultation.	No change proposed.
Cllr B Gardner	Until June or July it was the policy that all Town Councils and Parish Councils would be informed of licensing applications in their area. Cllr Gardner states that this was suddenly changed without notice or discussion, and he requests that this change of Policy is reversed.	This is a procedural matter, and is therefore not relevant as part of this consultation. It should be noted that this practice was amended following legal advice.	No change proposed.
Cllr B Gardner	Councillor Gardner has requested a Cumulative Impact Policy with respect to both Betting Shops and Adult Amusement Centre and also Licensing premises such as pubs and clubs. An area like North Deal has a very large number of pubs and clubs all in a small area. This has caused residents and ward councillors problems when asking for reviews of licences because there is no proof which premises the problem drinkers have come from. Councillor Gardner states that it is made even harder by the fact	Any matters relating to the Gambling Act 2005 have been disregarded as they are not relevant to this consultation. A Cumulative Impact Policy would ordinarily be considered where an area is saturated with licensed premises, or an area is experiencing serious problems of nuisance/disorder directly associated	No change proposed.

	<p>that CCTV is rarely working. Councillor Gardner would therefore 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, he states that it should be part of the policy that all licensed pubs and clubs must have CCTV that covers both the inside and outside of the premises.</p>	<p>with licensed premises. It is felt that a Cumulative Impact Policy would be disproportionate to the issues currently experienced within Dover District. To date, the Licensing Authority have not been presented with any evidence from either the Police or any other party, showing a defined link between the number of licensed premises in a particular area, and crime and disorder in the same area. Should sufficient evidence be provided that there is a cumulative impact associated with licensed premises which is having a detrimental effect on the promotion of the licensing objectives, then Licensing Authority will consider whether a specific Cumulative Impact Policy is appropriate. 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 behavior which occur in the vicinity of licensed premises.</p> <p>The matter of street CCTV is outside of the scope of this policy, and will need to be considered by the Community Safety Unit.</p> <p>With regards to CCTV in licensed premises, each premises is</p>	
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		considered on its own merits. The Police will request the provision of CCTV on an individual basis based on risk.	
Cllr S Hill	Wholeheartedly supports the notification policies put forward by Cllr Bill Gardner.	Noted (see comments relating to previous representation).	No changes proposed.
Cllr L Keen	All DDC Councillors 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.	Notification of applications is a procedural matter, and is therefore not relevant as part of this consultation. However, it should be noted that all DDC Councillors are currently notified and this process remains unchanged. With regards to notification of Parish/Town Councils, there is no requirement for such a notification and the practice was amended following legal advice.	No changes proposed.
Cllr L Keen	All DDC Councillors 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 only not informing any DDC Cllrs - not even the Ward Cllr.	This relates to street furniture, and is therefore not relevant as part of this consultation.	No changes proposed.
Cllr L Keen	Until June or July it was the policy that all Town and Parish Councils would be informed of licensing applications in their area. Cllr Keen states that this was suddenly changed without notice or discussion, and she requests that this change of Policy is reversed.	This duplicates the first comment made – see above. This is a procedural matter, and is therefore not relevant as part of this consultation. It should be noted that this practice was amended following legal advice.	No changes proposed.

<p>Dover Society Refurbishment Committee</p>	<p>Dover Society Refurbishment Committee have stated as follows:</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Noted.</p>	<p>No changes proposed.</p>
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	<ul style="list-style-type: none"> • 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 focusing of Kent Police, Kent Fire and Rescue and KCC Trading Standards resources to high risk premises and activities that may require closer attention. 	Noted	No changes proposed.
Dover Society Refurbishment Committee	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.	Noted	No changes proposed.
Dover Society Refurbishment Committee	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.	Noted	No changes proposed.

<p>Dover Town Council</p>	<p>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.</p>	<p>Comments noted.</p>	<p>No changes proposed.</p>
<p>Dover Town Council</p>	<p>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</p>	<p>Comments noted.</p>	<p>Paragraph 1.16 of the policy to be amended to read "variable" as opposed to "longer".</p>

<p>Dover Town Council</p>	<p>leaving such premises simultaneously is avoided.</p> <p>“We oppose strongly extended hours for sales of alcohol for consumption off premises as this has a direct negative impact on local residents.</p> <p>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.</p>	<p>Comment noted.</p>	<p>No change proposed.</p>
<p>Dover Town Council</p>	<p>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</p>	<p>1.30 – 1.38 from the current policy are lifted directly from the Licensing Act 2003 guidance. It is considered unnecessary to reproduce this level of detail; however, it is acknowledged that a direct link to this information may be useful.</p>	<p>Policy to be amended to include the addition of the following sentence (including link) at the end of paragraph 1.30. “Further details on the process including the adoption of such a policy can be found at www.dover.gov.uk/section182</p>

<p>Dover Town Council</p>	<p>steps that are taken to establish the need for and the result of an adoption of such a Special Policy.</p> <p>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.</p>		
<p>Dover Town Council</p>	<p>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.</p>	<p>A Cumulative Impact Policy would ordinarily be considered where an area is saturated with licensed premises, or an area is experiencing serious problems of nuisance/disorder directly associated with licensed premises. It is felt that a Cumulative Impact Policy would be disproportionate to the issues currently experienced within Dover District. To date, the Licensing Authority have not been presented with any evidence from either the Police or any other party, showing a defined link between the number of licensed premises in a particular area, and crime and disorder in the same area. Should sufficient evidence be provided that there is a</p>	<p>No changes proposed</p>

<p>Dover Town Council</p>	<p>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.</p> <p>The final sentence has been lost from 1.76, in copying to the new draft policy together with the accompanying list:</p> <p>"It views particularly seriously applications for the review of any premises licence where it involves the:</p> <ul style="list-style-type: none"> (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 	<p>cumulative impact associated with licensed premises which is having a detrimental effect on the promotion of the licensing objectives, then Licensing Authority will consider whether a specific Cumulative Impact Policy is appropriate. 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 behavior which occur in the vicinity of licensed premises.</p> <p>Every review application is considered on its own merits. The additional wording that was removed was superfluous, and the original list was not exhaustive and therefore could be misleading.</p>	<p>No changes proposed.</p>
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<p>Dover Town Council</p>	<p>(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</p> <p>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.</p> <p>Within this section you have removed the paragraphs in the 2010 document that refer to Summary Expedited Reviews. Given the</p>	<p>Comments noted.</p>	<p>No changes proposed.</p>
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<p>Dover Town Council</p>	<p>esoteric nature of this piece of legislation we would agree with its removal from the draft.</p> <p>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.)</p>	<p>Comments noted.</p>	<p>Paragraph 1.53 to be amended to read as follows: "An appeal may be made to a magistrates' court within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the applicant for the review and/or any other person who made relevant representations.</p> <p>The last sentence of 1.54 to be removed.</p>
<p>Dover Town Council</p>	<p>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.</p>	<p>Comments noted.</p>	<p>Sentence 2.2 of 2010 policy to be reinstated.</p>
<p>Dover Town Council</p>	<p>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</p>	<p>Comment noted.</p>	<p>Wording of Policy amended accordingly.</p>

Dover Town Council	around. 2.3 Line 2: after 'licence' should it say 'or certificate'?	Comment noted.	The policy to be amended to include the words "or certificate".
Dover Town Council	3.6 5 th Bullet Point - speaks of "Citizen Card". The Home Office now uses the phrase, "A proof of age scheme card which carries the PASS hologram."	Comment noted.	Policy to be amended to replace the term "Citizen Card" with "a proof of age scheme card which carries the PASS hologram".
Dover Town Council	3.6 is a little confusing. The penultimate sentence states that, "Applicants should consider the benefits of stopping serving alcohol well before <i>other licensable activities stop</i> or more than half an hour before the premises close and customers must leave." (<i>our italics</i>) It would be reasonable to assume the <i>other licensable activities</i> referred to would probably be live or recorded music (although they are not licensable before 23:00 hrs on most premises now).	It is believed that this comment refers to paragraph 3.7. Comments noted.	Remove the penultimate sentence in paragraph 3.7 and replace with the following "Applicants should consider stopping music/dancing before they stop serving alcohol and may also consider stopping serving alcohol more than half an hour before the premises close and customers must leave.
Dover Town Council	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?	Comments noted.	This sentence to be deleted.
Dover Town Council	5.3 As a policy it is extremely surprising that DDC does not consider the difference between, for example, town centre licensed	Comments noted	Paragraph 5.3 to be replaced with "Applicants need to clearly understand that the Licensing

<p>Dover Town Council</p>	<p>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.</p> <p>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</p>	<p>Comments noted</p>	<p>Authority will take into consideration the nature of the locality when determining applications and the imposition of conditions where appropriate."</p> <p>Paragraph 5.4 to be deleted.</p>
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	<p>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.</p>		
Dover Town Council	<p>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.</p>	<p>Comments noted</p>	<p>No change proposed.</p>
Dover Town Council	<p>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.</p>	<p>It is not felt that it is appropriate to refer to a guidance document which is yet to be published, within this policy. However, consideration will be given to the contents of the guidance document upon its release.</p>	<p>No change proposed.</p>
Dover Town Council	<p>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</p>	<p>Comment noted</p>	<p>Policy to be amended to replace the term "Citizen Card" with "a proof of age scheme card which carries the PASS hologram".</p>

<p>Dover Town Council</p>	<p>the phrase, “A proof of age scheme card which carries the PASS hologram.”</p> <p>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</p> <p>(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.</p> <p>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.</p>	<p>Comment noted</p> <p>Notification of applications is a procedural matter, and is therefore not relevant as part of this consultation. However, it should be noted that there is no requirement for town and parish councils to be notified and the practice was amended following legal advice.</p>	<p>Paragraphs 6.9 and 6.10 to be removed and replaced with “The Licensing Authority will consider appropriate conditions where relevant representations are made in relation to the protection of children from harm”.</p> <p>No change proposed.</p>
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