



# Statement of Licensing Policy Approved under the Licensing Act 2003

January 2022



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**ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework.**

## **1.0 INTRODUCTION**

- 1.1 Dover District Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the District in respect of the sale and/or supply of alcohol. The Licensing Authority also licences the provision of regulated entertainment and late night refreshment.
- 1.2 The 2003 Act requires the Licensing Authority to carry out its various licensing functions to promote the following four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.3 The 2003 Act further requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.4 The aims of this Statement of licensing policy, in line with the four licensing objectives, are to:
- (a) help build and maintain a safe and prosperous society that properly balances the rights of individuals and their communities;
  - (b) the introduction of more focused legislation and proportionate enforcement to give businesses greater freedom and flexibility to meet their customers' expectations;
  - (c) the encouragement of more family friendly premises catering for all age groups;
  - (d) develop a thriving cultural mix of live music, dancing and theatre;
  - (e) protection of local residents from anti social behaviour and disturbance;
  - (f) greater choice for tourists and visitors as to where and when they can spend their leisure time;
  - (g) encourage an early evening and night time economy which is viable and sustainable;
  - (h) the reduction of alcohol misuse and the consequential effects of that misuse;
  - (i) the regeneration of areas and employment opportunities that a thriving and safe night time economy can bring.
- 1.5 This 'Statement of Licensing Policy under the Licensing Act 2003' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act.
- 1.6 Where it is necessary to depart from the guidance - either in this policy or at any other time - the Licensing Authority will give clear and cogent reasons for doing so. The Licensing Authority shall endeavour to work with other licensing authorities (particularly where licensing authorities' boundaries meet) to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities.
- 1.7 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim, as far as possible, to meet the licensing objectives.

- 1.8 However, it should be recognised that this policy covers a wide variety of premises and activities carried on within them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences, fast food outlets, late night cafes etc. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate in any given circumstances.
- 1.9 The Section 182 Guidance requires that the holder of a premises licence, club premises certificate or temporary events notice work in partnership with the Licensing Authority to actively promote the licensing objectives. In respect of each of the four licensing objectives therefore, applicants will need to satisfy the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on a permanent basis or specific occasion such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences. Applicants should be aware that, whilst the operating schedule does not form an integral part of any premises licence or club premises certificate, the Licensing Authority may impose such conditions to the licence or certificate as are reasonably consistent with the operating schedule. These conditions will form part of the premises licence or club premises certificate.
- 1.10 When considering applications, the Licensing Authority will have regard to this Policy, the Licensing Act 2003, particularly the Licensing Objectives and Guidance issued under Section 182 of the Act, and any supporting regulations that may from time to time be made. It will also seek proper integration with local crime prevention, planning, transport, employment and cultural strategies. To this end, the Licensing Authority may provide reports to the Planning Committee on the situation regarding licensed premises in the area and arrangements may be made for the Licensing Authority to receive reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations. Care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are imposed.
- 1.11 The Policy does not undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits. Such considerations will be in the context of the relevant policy and statutory framework.
- 1.12 The Policy does not override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.13 In formulating this policy the Council has had regard to the provisions of the Human Rights Act 1998. This Act places a duty on public authorities to protect the rights of individuals in a variety of circumstances, and to balance those rights against the rights of persons trading in licensable activities and to achieve proportionality. The Council has also had regard to the Equality Act 2010, the Gambling Act 2005 and Section 17, Crime and Disorder Act 2016.
- 1.14 Applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority in accordance with the terms of the 2003 Act.
- 1.15 The Licensing Authority recognises that the object of licensing is to maintain appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.

- 1.16 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.
- 1.17 Where any party makes relevant representations, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to a licence, or certificate to secure achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity and will cover issues that are reasonably within the control of individual licensees.
- 1.18 When considering any conditions, the Licensing Authority acknowledges that the licensing function is not the only mechanism for the general control of the anti-social behaviour of individuals once they are outside the vicinity of licensed premises and beyond the direct control of the licensee of any premises concerned. Therefore, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of patrons when beyond the control of premises. These include:
- Partnership working with the Kent Police (and other agencies as appropriate) to promote enforcement of the law, including disorder and antisocial behaviour, and the issuing of fixed penalty notices.
  - Powers to designate parts of the area as places where alcohol may not be consumed publicly. Large areas of the District are already covered by bye-laws and Designated Public Places Orders controlling drinking in the streets and other public places.
  - Partnership working with businesses, transport operators and other parts of the Council to create a safe and clean environment.
- 1.19 As part of its overall policy the Licensing Authority expects every holder of a licence or Temporary Event Notice to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises. The holders of licences under the 2003 Act should be aware that they might be responsible for the actions of their patrons if such actions occur on the premises, directly outside the premises or sufficiently close to their premises to provide a direct causal link.
- 1.20 A key aim of the licensing policy is to assist licence holders to maintain a safe and family friendly environment in this Local Authority Area. It may be that conditions that would be relevant in the town and city centres may not be appropriate in rural areas. However each application will be considered on its individual merits.
- 1.21 Further, when the Licensing Authority is considering any application, it must avoid duplication with other regulatory regimes, (e.g. health and safety at work, environmental protection, disability discrimination, the Regulatory Reform (Fire Safety) Order 2005, so far as possible.
- 1.22 The licensing regime is not intended to be used to achieve outcomes that have been or could be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the Local Planning Authority. The Licensing Authority anticipates compliance with other statutory regimes in particular those relating to public safety.

### **Licences and planning permission**

- 1.23 The use of any licensed premises or places may be subject to planning controls. There are several key differences between licensing and planning control.

- 1.24 Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning process that relates to the use of the premises. Applicants will be requested to check specifically with the Planning Department for confirmation of the action that they should take in respect of planning matters.
- 1.25 It is anticipated, in general, that the grant or variation of planning permission would be resolved before a licence application is made. Provisional statements may be treated differently.
- 1.26 The Licensing Committee may refuse to grant a licence following representations from the local planning authority if the activity sought to be licensed would amount to an unlawful use of the premises or a failure to actively promote the licensing objectives.
- 1.27 It will be for the applicant to demonstrate any special circumstances to justify a departure from this policy in the face of representations from the local planning authority.
- 1.28 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with a published and approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.

#### **Cumulative Impact of a concentration of Licensed Premises**

- 1.29 "Cumulative impact" is not mentioned specifically in the 2003 Act but means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town or city centre of a large concentration of licensed premises in that part of the local authority area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in its policy.
- 1.30 This Licensing Authority will have regard to the relevant paragraphs of the guidance issued under s.182 of the 2003 Act when determining 'cumulative impact'. There are currently no cumulative impact areas within Dover District.

#### **Advice and Guidance**

- 1.31 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule to the standards the Licensing Authority will normally expect. The Licensing Authority, Kent Police and/or Kent Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.32 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved wherever possible and where resources permit. Where an applicant considers that representations may be likely or probable, it is recommended that the applicant discuss the proposal with the Licensing Authority and with those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict

the opportunity for such discussions, liaison and mediation.

### **Consultation**

- 1.33 There are a number of groups who have a stake in the leisure industry, including businesses, customers, residents and regulators, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.34 In developing this statement of policy, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Kent & Medway Fire and Rescue Authority) and the Crime and Disorder Reduction Partnership, the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.
- 1.35 **This Policy Statement takes effect on 27 January 2021 and will remain in force for a period of 5 years.** It will be subject to regular review by the Licensing Authority. This may lead to interim provisions within the five year period that would then be published in a revised policy statement. There will be further consultation prior to the renewal of the policy.

### **Amusements with prizes machines**

- 1.36 The Gambling Act 2005 gives an automatic entitlement to two gaming machines of category C or D to the holders of premises that are licensed for the sale of alcohol for consumption on the premises. This automatic entitlement may be rescinded under certain circumstances. Notification must be given to the Licensing Authority together with the appropriate fee. This notification will fail when the premises licence is transferred to another person or ceases to have effect. Under these circumstances a new notification must be given to the Licensing Authority and a fee paid.
- 1.37 Members Clubs and Miners Welfare Institutes may apply for Club Gaming and Club Gaming Machine permits. Commercial clubs e.g. snooker clubs and night clubs cannot avail themselves of these permits.

### **Minor Variations**

- 1.38 Holders of premises licences and club premises certificates may seek minor variations to licences and certificates. The test as to whether such a minor variation is appropriate is “could this variation taken singly, or on its own, adversely affect the licensing objectives?” If in the view of the Licensing Authority this is the case a full variation would be required.
- 1.39 A minor variation may be appropriate in cases:
- Where there is a minor change to the layout of a premises that would not effect public safety or nuisance.
  - A reduction in the hours of operation of a premise.
  - The removal of conditions that have become obsolete due to changes in legislation.
  - The addition of voluntary conditions
- 1.40 Minor variations are not permitted if the hours for the sale or supply of alcohol are increased or if the effect of the variation is to move the hours of alcohol to allow the licensable activity to be carried out between the hours of 23:00 and 07:00 on any day (notwithstanding that there is no increase in hours).

- 1.41 When determining any application for a minor variation the Licensing Authority may receive valid representation if made within 10 days of the application. The Authority must make its determination within 15 days of the application. Should the Authority fail to determine the application within this time it is deemed to have failed. The decision as to whether to allow a minor variation rests with the Licensing Authority and may only be challenged by way of judicial review.

### **Designated Premises Supervisor**

- 1.42 Because of the wider impact on the community the sale of alcohol carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment. The main purpose of having a Designated Premises Supervisor is to ensure that there is a specified individual that can be readily identified at the premises. The Designated Premises Supervisor therefore will occupy a pivotal role in the management and supervision of the premise and may be given day to day responsibility for running the premises.
- 1.43 The exception to the above is to allow certain community premises which have or are applying for a premises licence, that authorise the sale of alcohol, to apply the alternative licence condition instead of the usual mandatory conditions. The effect of the alternative licence condition is that the licence holder, i.e. the management committee that runs the community premises, is responsible for the supervision and authorisation of all alcohol sales. However, this application of the requirement of a Designated Premises Supervisor may only be applied for where the Community Premises has a recognised Management Committee

### **Adult Entertainment**

- 1.44 Premises that wish to provide adult entertainment by way of lap dancing, poledancing or other types of activities involving nudity (relevant entertainment) are required to be licensed under the Local Government (Miscellaneous Provisions) Act 1982 unless they provide such entertainment less than 11 times in any rolling year and there is at least one calendar month between performances. Where this exemption applies the holders of authorities under the Licensing Act 2003 (premises licences, club premises certificates or temporary events notices) will be expected to implement measures to actively promote the four licensing objectives. In particular the Licensing Authority encourages measures that will protect children from moral, physical or mental harm. Such measures may include the following however this list should not be seen as being exhaustive or exclusive:
- Measures to ensure that any adult entertainment cannot be viewed from the public highway or from any part of the premises not being used for adult entertainment. Such measures may include the screening of doors and windows or the screening of the stage area to reduce the field of vision in respect of the performance
  - A proof of age scheme where persons under the age of 18 years are required to provide photographic means of identification
  - The provision of door supervisors registered by the Security Industry Authority for the purposes of ensuring good behaviour during any performance and to ensure that age restrictions are complied with.
  - Measures to ensure that members of the audience are not permitted to be in physical contact with the performer. This may include a barrier or enforced sterile area immediately in front of the stage at a distance that will prevent contact.
- 1.45 Where premises licences or club premises certificates have conditions attached in respect of regulated entertainment in the form of adult entertainment such conditions will remain in force unless the premises are licensed for relevant entertainment under

the Local Government (Miscellaneous Provisions) Act 1982. This is because it is anticipated that the conditions in respect of premises with relevant entertainment are likely to be stricter than those with regulated entertainment.

### **Mandatory Conditions**

- 1.46 Alcohol-related violent crime, nuisance and disorder remain a serious problem in many areas in England and Wales. Those who retail or supply alcohol also have a responsibility to protect their customers, members, the public and communities.
- 1.47 The Policing and Crime Act 2009 allowed the Government to impose mandatory conditions with regard to the responsible retailing of alcohol. These conditions must be intended to support and actively promote the licensing objectives. The aim of the mandatory conditions is to ensure that those businesses, both small and large, who are selling alcohol irresponsibly, act more responsibly to help tackle alcohol-related crime and disorder.

The 2003 Act therefore provides mandatory licensing conditions that apply to all relevant premises in England and Wales. These conditions are amended from time to time by Statutory Instruments. Current Mandatory Conditions can be viewed by visiting our website, [www.dover.gov.uk/licensing](http://www.dover.gov.uk/licensing) policy, or requesting a copy by post.

### **Early Morning Alcohol Restriction Orders (EMRO)**

- 1.48 Sections 172A to 172E of the 2003 Licensing Act 2003 allow a licensing authority to make, vary or revoke an EMRO. The power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12 midnight and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specified times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises. There are currently no EMROs within Dover District.

### **Reviews**

- 1.49 Where possible and appropriate the Licensing Authority, Kent Police and/or any other responsible authority defined by the act will give early warning to licence holders of any concerns identified at premises and of the need for improvement.
- 1.50 The Licensing Act 2003 allows the Licensing Authority to reject any application for a review made by person other than a responsible authority, that appears to be frivolous, vexatious or repetitive. With this in mind no more than one review will normally be permitted within any 12 month period where the application relies on substantially similar grounds other than in exceptional and compelling circumstances or where it arises following a closure order.
- 1.51 The Licensing Authority may review a licence on the application of any responsible authority or any other person who makes an application that relates to the licensing objectives.
- 1.52 Responsible authorities and/ any other person can apply for a review of a premises licence, however evidentiary basis would be required to be presented to the Licensing Authority. Other persons are therefore advised to keep records of incidents in relation to licensed premises in order to support the application for review.

## **Right of Appeal**

- 1.53 An appeal may be made to a magistrates' court within 21 days of the licence holder being notified of the licensing authority's decision. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 1.54 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

## **Enforcement**

- 1.55 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the principles of the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.56 The Enforcement Concordat is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when;
  - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
  - receive an explanation of their rights of appeal
- 1.57 The Council recognises the interests of both individual citizens and the requirements of businesses and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit offences or break the law. The Council has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. The policy is available from the Licensing Section as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: [www.dover.gov.uk/licensing](http://www.dover.gov.uk/licensing)
- 1.58 The Licensing Authority has established protocols with Kent Police, Kent & Medway Towns Fire and Rescue Authority and Kent County Council Trading Standards on enforcement issues. These protocols provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.
- 1.59 The principle of using a scoring scheme based on risk factors will normally prevail and proactive inspections will usually be undertaken in accordance with a priority inspection scheme. This should ensure that resources are more effectively allocated to higher risk or 'problem premises'. Monitoring visits will also take place in and around premises.

## **2.0 LICENSING OBJECTIVES**

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to

the four licensing objectives:

- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 2.2 Any other person or responsible authority may make representation on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. Each application will be considered on its individual merits as well as against the relevant policy and statutory framework.
- 2.3 If no representations are received from responsible authorities or other persons, the licence will be granted as applied for subject only to mandatory conditions and those conditions that are consistent with the operating schedule that is required to be submitted as part of the application.
- 2.4 Where relevant representations are made, the Licensing Authority may attach conditions to the licence where they are considered appropriate for the promotion of the licensing objectives. They will be tailored to the individual style and characteristics of the particular premises and events concerned.
- 2.5 In each section relating to the objectives, the Licensing Authority has defined its intended outcome. Each section then lists the factors that may influence the achievement of that objective but because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive or exclusive. Applicants know their premises and business best and should address all aspects relevant to the individual style and characteristics of their premises and events.
- 2.6 Further, in each section, a list of possible control measures is provided. This is to be of assistance to applicants, but again is not intended to be an exclusive or exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Applicants will not be required to mention a control measure more than once in their operating schedule.
- 2.7 The Licensing Authority will expect the selection of control measures, referred to in 2.6 above, to be based upon a risk assessment of the premises, events, activities and the customers expected to attend (eg their age, number, etc.). Whilst the Licensing Authority may not require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff. It is also a sound basis for review by the licence holder, in the event of an application for variation, or a response to changing circumstances/conditions at the premises being required. The Licensing Authority also encourages the maintenance of training records to evidence the promotion of the licensing objectives.
- 2.8 Additional measures may be necessary on a specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, and which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives.
- 2.9 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be the most essential of control measures for the achievement of all the licensing objectives. Applicants are encouraged to consider and address such elements within an applicant's operating schedule.

- 2.10 Occupancy capacity for premises may be a relevant factor in promoting the four licensing objectives.
- 2.11 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These might include:
- The nature of the premises or event
  - The nature of the licensable activities being provided
  - The provision or removal of such items as temporary structures, such as a stage, or furniture
  - The number of staff available to supervise customers both ordinarily and in the event of an emergency
  - The customer profile (e.g. age, disability)
  - The attendance by customers with disabilities and means of emergency exit for such customers
  - The attendance by customers with whose first language is not English
  - Availability of suitable and sufficient sanitary accommodation
  - Nature and provision of facilities for ventilation

### **3.0 PREVENTION OF CRIME AND DISORDER**

- 3.1 Dover District Council is committed to further improving the quality of life for the people of the District of Dover by continuing to reduce crime and the fear of crime.
- 3.2 Whilst the Community Safety Partnership is not a responsible authority under the Licensing Act 2003, the Licensing Authority will consult and involve the Community Safety Partnership in policy making in order to maximise the effectiveness of reducing crime, misuse of drugs and the fear of crime.
- 3.3 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Dover District Council, Kent Police, Kent County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 3.4 The promotion of the licensing objective, “prevention of crime and disorder”, places a responsibility on licence holders to become key partners in achieving this objective. Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified, and will be implemented and maintained, to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.
- 3.5 The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises, and are encouraged to demonstrate consideration of factors that may impact on the prevention of crime and disorder objective. These might include:
- Underage drinking
  - Drunkenness on premises
  - Public drunkenness
  - Drugs
  - Violent behaviour
  - Anti-social behaviour

- 3.6 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises.
  - Training and supervision of staff including the maintenance of training records.
  - Adoption of best practice guidance (e.g. Safer Clubbing the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice.
  - Membership of the Dover Partnership Against Crime (DPAC).
  - Acceptance of accredited 'proof of age' cards for example "Citizen Card" and/or 'new type' driving licences with photographs, passports, an official identity card issued by H M Forces.
  - Provision of effective CCTV in and around premises.
  - Employment of Security Industry Authority licensed door staff. Such door staff should be at a ratio set down by the Security Industry Authority (currently 1:100 patrons) The employment of female staff as part of such door supervision arrangements is encouraged.
  - Provision of toughened or polycarbonate glasses.
  - Provision of litterbins and security measures, such as lighting, outside premises.
  - Membership of a Pub Watch scheme.
- 3.7 Applicants should carefully consider the hours that they will wish to operate and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully and reflect this in operating schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of "cooling down" periods; after the last sales of alcoholic drinks; while food and non alcoholic drinks are still available; and when they volume and tempo of music is reduced, and the levels of lighting are increased, are very widely recognised as helping to reduce crime and disorder and public nuisance. 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. They should consider stopping playing music or dancing before they stop serving alcohol and food to customers in very noise sensitive areas.
- 3.8 Within the operating schedule for premises from which alcohol will be sold, a Designated Premises Supervisor (DPS) must be identified and named. The DPS should have been given the day-to-day responsibility for running the premises by the premises licence holder. In addition to the DPS holding a personal licence, the Licensing Authority will expect where serious crime or disorder has previously been experienced on those premises, the DPS to have additional training and/or experience commensurate with the nature and style of the operation of the premises.
- 3.9 In exceptional circumstances, the police may object to the designation of a new premises supervisor where they believe that such appointment would undermine the crime prevention objective.
- 3.10 Certain temporary events are not required to be licensed but must be notified to the Licensing Authority, Police and Environmental Health using the Temporary Event Notice (TEN) or Late TEN procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events must submit their notification at least **10 working days (or 5 working days in respect of "late" TENS)** before the event to enable the police, environmental health and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

3.11 Where the Licensing Authority has given notice in writing to the holder of the premises licence prohibiting the exhibition of a film (including DVD or video) on the grounds that it contains matter which, if exhibited, would be likely to:

- encourage or incite crime or lead to disorder, or
- stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or racial origin, disability, religious beliefs, sexual orientation or gender

the Licensing Authority will expect that the film shall not be exhibited in the premises except with the consent in writing of the Licensing Authority and in accordance with any conditions attached to such consent.

3.12 The Licensing Authority will require all films to comply with British Board of Film Classification (BBFC) guidelines.

3.13 Whilst each application is considered on its merits, the provision of door supervisors in town centre pubs and clubs that wish to sell alcohol beyond 11.00pm is encouraged. The Security Industry Authority's policy is that one door supervisor must be employed for every 100 people likely to be present on the premises. The Licensing Authority may liaise with the designated premises supervisor as to the days of the week when such staff need to be employed.

#### **4.0 PUBLIC SAFETY**

4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

4.2 When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These may include:

- The occupancy capacity of the premises (notwithstanding the provisions of the Regulatory Reform (Fire Safety) Order 2006) in particular having regard to means of escape in an emergency.
- The age, design and layout of the premises, including means of escape in the event of fire.
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature.
- The hours of operation, noting the difference between opening hours and the hours of licensable activities (wind down periods).
- Customer profile (e.g. age, disability).
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

4.3 The Regulatory Reform (Fire Safety) Order 2005 places a responsibility on the licence holder to carry out a risk assessment and appoint a competent person. This risk assessment should include a maximum capacity limit taking into account the activities undertaken on those premises and any extenuating circumstances such as special effects, clientele, or restricted access

4.4 The following examples of control measures are given to assist applicants and are

considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance.
- Provision of effective CCTV in and around premises.
- Provision of toughened or polycarbonate glasses.
- Implementation of crowd management measures.
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## **5.0 PREVENTION OF PUBLIC NUISANCE**

- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to clearly understand that the Licensing Authority will not normally look to imposing stricter conditions, including controls on licensing hours, where licensed premises are in residential areas. It is the view of Dover District Council that all parts of the District are to be considered residential areas to some degree and that no stricter conditions would be imposed in residential areas.
- 5.4 In the case of shops, stores and supermarkets and garages selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are valid reasons relating to any of the licensing objectives which justify restricting hours of opening.
- 5.5 Applicants should demonstrate in their operating schedule that suitable and sufficient measures to prevent public nuisance have been identified and will be implemented, relevant to the individual style and characteristics of their premises and events.
- 5.6 When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
  - The hours of operation, particularly if between 23.00 and 07.00.
  - The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
  - The design and layout of premises and in particular the presence of noise

limiting features.

- The occupancy capacity of the premises.
- The availability of public transport.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were to be granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting.
- Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premise and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proven against the premises, particularly where statutory notices have been served on the present licensees.

5.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or individual parts of the premises (e.g. garden areas), including such matters as deliveries, bottle clearing etc.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for collection and disposal of litter.
- Effective ventilation systems to prevent nuisance from odour.

## **6.0 PROTECTION OF CHILDREN FROM HARM**

6.1 Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

6.2 The protection of children from harm is an important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

- 6.3 The relaxation of previous restrictions contained in the Licensing Act 1964 giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is recognised that parents and others accompanying children also have responsibilities.
- 6.4 The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, or the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives. Children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, and the unpredictability of their age and the lack of understanding of danger.
- 6.5 Whilst children may be adequately protected from harm by the action taken to protect adults, they also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should demonstrate that those factors that impact on harm to children have been considered. The potential for children to be exposed to the following should all be considered and addressed:
- Purchase, acquire or consume alcohol
  - Be exposed to drugs, drug taking or drug dealing
  - Be exposed to gambling
  - Be exposed to activities of an adult or sexual nature
  - Be exposed to incidents of violence or disorder
  - Be exposed to environmental pollution such as noise or smoke
  - Be exposed to special hazards such as falls from a height
- 6.6 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises.
  - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
  - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
  - Adoption of best practice guidance.
  - Limitations on the hours when children may be present, in all or individual parts of the premises.
  - Limitations or exclusions by age when certain activities are taking place.
  - Imposition of requirements for children to be accompanied by an adult.
  - Acceptance of accredited 'proof of age' cards for example Citizens Card" and/or 'photocard type driving licences with photographs, passport, an official identity card issued by HM Forces or by a EU country bearing the photograph and date of birth of bearer.
  - The placing of machines provided under the Gambling Act 2005 so that they can be properly supervised.
- 6.7 In the case of film exhibitions, the Licensing Authority will expect licensees to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the BBFC or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to certify to the Licensing Authority that an assessment of the suitability of the film for exhibition to children in accordance with the BBFC Guidelines

has been carried out and that this has been confirmed by the Licensing Authority in writing prior to public viewing. Details of the BBFC Guidelines are available on the Dover District Council website Licensing Page.

6.8 Where certain regulated entertainment is provided the Licensing Authority will require the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises. Where children are present as performers, the Licensing Authority will normally require an adequate number of adult staff to be responsible for the child performers. The staff should be suitably screened to work with children.

6.9 The Licensing Authority will rarely impose complete bans on access by children. In exceptional circumstances, and only where the Licensing Authority has received relevant representations, conditions restricting access or excluding children completely may be considered necessary. Those conditions may restrict children from entering all or part of licensed premises:

- (1) at certain times of the day or
- (2) when certain licensable activities are taking place or
- (3) to which children aged under 16 years should have access only when supervised by an adult or
- (4) to which unsupervised children under 16 will be permitted access

6.10 Examples of premises where these conditions may be considered include where:

- (1) there have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking
- (2) there is a known association with drug taking or dealing
- (3) there is a strong element of gambling on the premises
- (4) entertainment of an adult or sexual nature is commonly provided
- (5) there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
- (6) licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.
- (7) there is evidence or convictions for permitting drunkenness and/or binge drinking

# Appendix A The District of Dover

Situated in East Kent, the Dover district covers 31,485 hectares and has a coastline of around 20 miles. The district contains two urban areas, a market town and a large rural area made up of dozens of villages and hamlets.

The Dover district has a population of 113,100 (2014 ONS Mid-Year Population Estimates), which is comprised of the following broad age groups:

- 0-14 years: 18,600 (16.4%)
- 15-19 years: 6,900 (6.1%)
- 20-29 years: 11,800 (10.4%)
- 30-59 years: 43,000 (38.0%)
- 60-74 years: 21,500 (19.0%)
- 75+ years: 11,200 (9.9%)

The average age of residents living in the Dover district is 42.8 years, which is higher than the national mean age of 39.6 years.

About 72% of the population live in the towns of Dover, Deal and Sandwich. The remainder of the district is predominately rural, although there are plans for managed expansion at Whitfield (at least 5,750 homes) and Aylesham (over 1,200 homes).

The Dover district is steeped in history. Sandwich and Dover are both Cinque Ports and Deal is a member of the Confederation. The district contains the spectacular Norman Castle at Dover, the Tudor castles of Deal and Walmer and the Roman castle at Richborough. Sandwich is the most complete medieval town in Britain and Deal is noted for its Georgian seafront.

There are a range of sports and leisure facilities on offer in the district including leisure centres, swimming pools, country parks and gardens, play areas, cinemas, theatres and museums. The district is famous for its golf courses including the Royal St. George's in Sandwich, which has hosted the Open Championship.

The economy of the Dover district is closely linked with the Port of Dover and ancillary activities, although there are other sources of employment including construction and accommodation & food services. The decision by the pharmaceutical company PfiZers to contract its operations significantly at Sandwich led to the designation of the site by the Government as an Enterprise Zone, renamed 'Discovery Park', and life science is a core activity at the site.

There is a range of retail facilities available to residents within the urban areas of the district although these tend to be local rather than regional shopping facilities. Progress is being made on delivering a multi-million pound 'St James' development (Dover Town Investment Zone), a 120,000 sq. ft. retail and leisure park with 440 parking spaces, and will feature a 21,000 sq. ft. six-screen multiplex Cineworld cinema, 120 bed hotel, 16,000 sq. ft. M&S Simply Food store, five national chain restaurants and 12 retail units.

Some 402 commercial outlets now offer licensable activities including, pubs, clubs, off licences, public entertainment establishments and late night refreshment houses.

Crime statistics for the year 2013/14 show a violent crime rate of 16.5 crimes per 1,000 people<sup>1</sup> compared to 11.1 per 1000 nationally.

<sup>1</sup> Crude rate per 1,000 population. During this period, the Kent Police system for recording crime was scrutinised by HM Inspectorate of Constabulary and as a result, the reporting mechanisms have been tightened and improved leading to an increase in reported crime. Waiting for 2014/15 data.

## Appendix B

Campaign for Real Ale Limited  
Chairman Licensing Committee  
Chief Constable, Kent Constabulary  
Deal, Walmer & Sandwich LVA  
Dover District Chamber of Commerce  
Dover Harbour Board  
Dover Library  
Dover Partnership Against Crime  
Dover Town Centre Management  
East Kent Coastal Primary Care Trust  
Fire Safety Officer - Kent Fire & Rescue  
Service, South Kent Office  
KCC Children's Services, Dover  
KCC Social Services (Asylum Team  
KCC Social Services (Child Protection)  
Kent Association of Parish Councils

Kent County Council  
Kent Hotels & Restaurants Association  
Kent Magistrates' Court Service  
Kent Rural Community Council  
Kent Transport  
LGS (UK)  
Priory Forum  
Sandwich & District Chamber of Commerce  
Sandwich Society  
The Association of Licensed Multiple  
Retailers  
The National Trust  
Town and Parish Councils  
White Cliffs Country Tourism Association  
Group

Whilst the above persons and organisations have been directly consulted this does not prevent anyone other person or body responding to this consultation.

Further copies are freely available from:

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Licensing Policy Consultation  
Dover District Council White Cliffs  
Business Park Dover Kent CT16 3PJ  
Telephone: 01304 872279 or by  
fax: 01304872217  
or by e-mail: [licensing@dover.gov.uk](mailto:licensing@dover.gov.uk)

## **Appendix C - Other Relevant Contacts, Strategies and Policies**

Licensing Act 2003: Guidance issued under Section 182 and Guidance on the Operation of Closure Powers in Part 8

Home Office Alcohol and Crime Research Page

Home Office Guidance for Local Agencies

British Institute of Innkeeping (BII)

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by Independent Street Arts Network

Home Office Race Relations Guidance

Disability Rights Commission

Home Office's Updated Drug Strategy and "Safer Clubbing"

"Alcohol and Crime: Taking Stock" by Anne Deehan, Home Office Crime Reduction Research Series Paper 3

Crime Reduction - Enforcement Strategy

Crime Reduction Strategy 2002-2005

Dover District Local Plan

Race Equality Policy

Community Strategy

Dover District Council Corporate Plan