

LOCAL POLICY CONSIDERATIONS

It is considered that the following Policies have a bearing upon the application:

- 1.4 The objective of the licensing process is for a unified system of regulation to allow Licensable Activities and Qualifying Clubs activities to be conducted in a manner, which promotes the following four objectives, each of which is considered to be of equal importance (the Licensing Objectives):
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 1.8 When considering applications, the Licensing Authority will have regard to this Policy, the 2003 Act, the Licensing Objectives, the Section 182 Guidance 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 Committee may provide reports to the Development Control Board on matters regarding licensed Premises in the Borough of Dartford.
- 1.9 This 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, as well as against any relevant policy and statutory framework. It does not override the right of any person to make representations on any application, or seek a Review of a licence or certificate or authorisation where permitted to do so under the 2003 Act.
- 1.10 The principles of a fair and public hearing are important when it comes to licensing matters. In formulating this Policy, the Licensing Authority 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.

Reviews

- 1.49 The Section 182 Guidance recognises that the promotion of the Licensing Objectives relies heavily on a partnership between the Licensing Authority, Responsible Authorities and licence holders and/or Any Other Persons, in pursuit of common aims. It is considered good practice for the Licensing Authority and/or Responsible Authorities to give licence holders early warning of their concerns about problems identified at the licensed Premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings, would lead to a decision to request a Review.

- 1.50 The 2003 Act specifies that only Responsible Authorities or Any Other Persons may seek a Review of a Premises Licence and in the case of a Club Premises Certificate, this will also include members of the club. No more than one Review will normally be permitted by the Licensing Authority within any 12 month period, on identical or substantially similar grounds, other than in exceptional and compelling circumstances (e.g. where new problems have arisen) or where a Review is required, following a Closure Order.
- 1.51 The Licensing Authority will first consider whether the reasons for the Review are relevant to one or more of the Licensing Objectives. Secondly, the Licensing Authority must be satisfied that the application is not frivolous, vexatious or repetitious.
- 1.52 The Licensing Authority is a Responsible Authority for Premises Licences and Club Premises Certificates' applications and will have the power to make Relevant Representations, which could lead to the refusal, removal or Review of a licence without representation from the Police or other Responsible Authority.
- 2.3 Conditions imposed by the Licensing Authority are 'preventative' as opposed to 'punitive' and are proportionate, reasonable and appropriate for the promotion of the Licensing Objectives. Conditions are tailored to the individual style and characteristics of the particular licensed Premises and events concerned and may be drawn from the 'Model Pool of Conditions' (not an exhaustive list) set out in supporting guidance to the Section 182 Guidance. The Licensing Authority may consider it appropriate to impose Conditions not in the 'Model Pool.' Each application and the imposition of Conditions will be considered on its merits.

Licensing Objectives

- 3.4 The promotion of the Licensing Objective, 'to prevent crime and disorder', places a responsibility on individuals, clubs or businesses holding a licence, certificate or authorisation to co-operate with the Licensing Authority in achieving this Objective. Applicants will be encouraged to demonstrate in their Operating Schedule, when necessary, that suitable and sufficient measures relevant to the individual style and characteristics of their licensed Premises and events, have been identified and which will be implemented and maintained, to reduce or prevent crime and disorder on and in the immediate area surrounding their licensed Premises.
- 3.5 When addressing the issue of crime and disorder, the applicant must consider any factors that may impact on crime and disorder. These might include:
- Underage drinking

- Drunkenness on licensed Premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

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 will be encouraged to demonstrate in their Operating Schedule, where necessary, that suitable and sufficient measures relevant to the individual style and characteristics of their licensed Premises and events, have been identified and will be implemented and maintained to ensure public safety.