



## Licensing Sub-Committee

**Date:** Friday, 14 August 2020  
**Time:** 10.00 am  
**Venue:** A link to the meeting can be found on the front page of the agenda.

**Membership: (Quorum 3 )**

Councillors Cathy Lugg, Emma Parker and Molly Rennie

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please telephone Democratic Services 01305 224202 [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)**

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Due to the current coronavirus pandemic and social distancing rules, the Council has reviewed its approach to holding committee meetings. Members of the public are welcome to watch and listen to the live meeting online by using the following link

<https://youtu.be/UWAlmRcl3M>

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. A recording of the meeting will also be available after the event.

# **A G E N D A**

**Page No.**

**1 ELECTION OF CHAIRMAN AND STATEMENT FOR THE  
PROCEDURE OF THE MEETING**

To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.

**2 APOLOGIES**

To receive any apologies for absence.

**3 DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**4 LICENSING SUB-COMMITTEE PROCEDURES**

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**5 NEW PREMISES LICENCE - CHERRIES ICE CREAM PARLOUR,  
WEST BAY**

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To determine the application in the light of written and oral evidence and resolve to take such steps as considered appropriate for the promotion of the licensing objectives of:-

- the prevention of crime and disorder,
- the prevention of public nuisance,
- public safety, and
- the protection of children from harm.

**6 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

**7 EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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## **TEMPORARY LICENSING SUB-COMMITTEE HEARINGS PROCEDURE AND GUIDANCE**

### **The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and The Licensing Act 2003 (Hearings) Regulations 2005**

This Temporary Procedure and Guidance notes makes provision for the conduct of local authority Licensing Sub-Committee hearings, held between 4 April 2020 and 7th May 2021, and for public and press access to these meetings and are made in accordance with Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The following points of clarification apply throughout:

- A reference to a “meeting of the Licensing Sub-Committee” or reference to a “place” where a meeting is held, includes more than one place, electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- Any reference to being “attend” “attendance” “present” at a meeting includes through remote attendance.  
“Remote access” means remote access of public and press to a Council meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- A Member of the Licensing Sub-Committee who is a “Member in remote attendance” attends the meeting at any time if all of the conditions in subsection section 5(3) of The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are satisfied, which means the Member in remote attendance is able at that time—
  - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the Members in attendance,
  - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and

(iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

- Any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

#### Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

#### Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

#### Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to be disconnected from the hearing, and may refuse that person to be reconnected, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

#### **FOOTNOTE:**

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Department at Dorset Council and they will be provided with a full copy of the regulations on request.

## **LICENSING SUB-COMMITTEE PROCEDURE**

1. At the start of the meeting the Chairman will introduce:
  - the members of the sub-committee in attendance
  - the council officers in attendance
  - the parties and their representatives in attendance
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions asking each person in turn if they wish to ask a question.
8. The Chairman will ask any person who has made representations, who has already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the public part of the meeting will conclude. The sub-committee will then consider its decision in private. The sub-committee will also have the Democratic Services Officer in remote attendance, and the Legal Advisor can be called upon to offer legal guidance.
11. The decision of the Licensing Sub-Committee shall be communicated to the parties and made available on the Council’s website as soon as practicable.

## **NOTE**

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005, and the requirements of The Local Authorities and Police and

Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The remote meeting will be available to via web-link details of which will be set out on the agenda. However, the public can be excluded from all or part of the meeting by removal of remote access where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.



## Licensing Sub-Committee

14 August 2020

## Licensing Act 2003 New Premises Licence Cherries Ice Cream Parlour, West Bay

### For Decision

**Portfolio Holder:** Cllr A Alford, Customer, Community and Regulatory Services

**Local Councillor(s):** Cllrs S Williams, K Clayton and D Bolwell

**Executive Director:** John Sellgren, Executive Director of Place

Report Author: Aileen Powell

Title: Licensing Team Leader

Tel: 01258 484022

Email: aileen.powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Recommendation:** The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate for the promotion of the licensing objectives of;-

- the prevention of crime and disorder,
- the prevention of public nuisance,
- public safety, and
- the protection of children from harm.

**Reason for Recommendation:** The Sub-Committee must take into account the oral representations and information given at the hearing as well as the written representations contained within the report.

### 1. Executive Summary

An application for a new premises licence has been made by Marianna Browning for Cherries Café and Ice Cream Parlour for on and off sales of alcohol. A representation has been received and remains unresolved therefore a hearing by the licensing Sub-Committee must be held to consider the representation and determine the application

## **2. Financial Implications**

The applicant or any person or body making a relevant representation will have the right to appeal any decision of the Licensing Sub Committee to the magistrate's court

## **3. Climate implications**

None

## **4. Other Implications**

None

## **5. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

Not Applicable

## **7. Appendices**

Appendix 1 – Application form

Appendix 2 – Police email

Appendix 3 – Representation

Appendix 4 – Response from applicant

## **8. Background Papers**

[Licensing Act](#)

[Live Music Act](#)

[Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

[EHRC - Guide to the Human Rights Act for Public Authorities](#)

## **9. Details**

- 9.1. An application for a new premises licence has been submitted by Marianna Browning for Cherries Café and Ice Cream Parlour, 1 Pier Terrace West Bay, Bridport, DT6 4ER. This is a small café with 45 covers inside and 20 outside.
- 9.2. The times requested are for the on and off sales of alcohol between the hours of 0900hrs and 2100hrs every day. The addition of off sales was emailed to the department. The application form and email is attached at appendix 1.
- 9.3. The operating schedule focuses on the training of staff and states that alcohol will only be served with food.
- 9.4. The application was initially received on 19 June but due to irregularities with the advertisement requirements had to be restarted. The application has now been advertised in all the required places for the required amount of time.
- 9.5. There are no representations from the responsible authorities but the police have requested, and applicant has agreed, to have conditions attached to a licence should it be granted. The conditions requested would cover CCTV, Challenge 25, staff training and a refusals and incident log. The emails relating to this are attached at appendix 2.
- 9.6. One representation from an interested person has been received which focuses on the impact of drunk people in the area. Any reference to the need for a premises of this type is a planning matter and cannot be considered as a relevant factor when considering this application. The full representation is included at appendix 3, with a response from the applicant to each point at appendix 4.
- 9.7. For representations to be relevant they must relate to one of the four licensing objectives of prevention of public nuisance, prevention of crime and disorder, public safety or the prevention of harm to children.
- 9.8. Paragraphs 9.42 – 9.44 of The Section 182 Guidance state that;-

“Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination"

9.9. Having taken into account the representation and the evidence presented at the hearing the sub-committee may;

- i. reject the application
- ii. grant the licence subject to any conditions that are deemed appropriate
- iii. exclude from the scope of the licence any of the licensable activities to which the application relates;
- iv. refuse to specify a person in the licence as the premises supervisor.

9.10. If the Sub-Committee is minded to grant the licence then the following conditions that are consistent with the operating schedule should be attached:

- i. Sales of alcohol on the premises will only be permitted to accompany a table meal.
- ii. A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

9.11. The following conditions would cover the points agreed with the police:

- i. A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises while the premises is open for licensable activities. Recordings will be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.
- ii. The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.
- iii. The Licensee to prominently display notices advising customers of the "Challenge 25" policy.
- iv. The following proofs of age are the only ones to be accepted :
  - Proof of age cards bearing the "Pass" hologram symbol
  - UK Photo Driving licence
  - Passport
- v. The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
- vi. The Licensee will ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.
- vii. The Licensee will ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.
- viii. The licence holder will keep a register of refused sales of all age- restricted products (Refusals Book).
- ix. The refusals book will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.
- x. The Refusals book will be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.
- xi. The licence holder will keep an incident record book which will contain details of time and date, description of any incidents that happen on in the immediate vicinity of the premises.

**Footnote:**

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

# Appendix 1

## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

RECEIVED  
19 MAR 2020

I/We Marianna Browning

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>Cherries Café and Ice Cream Parlour, 1 Pier Terrace, West Bay</b>			
Post town	Bridport	Postcode	DT64ER
Telephone number at premises (if any)		01308 301207	
Non-domestic rateable value of premises		£12500	

### Part 2 – Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |    |  |                                     |                             |
|----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals *                       | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual *                  |                                     |                             |
|    | i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
|    | ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
|    | iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
|    | iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) | a recognised club                                    | <input type="checkbox"/>            | please complete section (B) |
| d) | a charity  | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below).

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities, or ☐

I am making the application pursuant to a statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Browning			<b>First names</b> Marianna Jane		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
<b>Nationality</b> British					
Current residential address if different from premises address		[REDACTED]			
Post town			[REDACTED]	Postcode	
<b>Daytime contact telephone number</b>			[REDACTED]		
<b>E-mail address (optional)</b>		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	0	0	7	2	0	1	9

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)  
 Cherries is an ice cream parlour and café serving hot and cold meals including all day breakfasts and an extensive ice cream menu. It has 45 covers inside with another 20 outside. The café currently opens 7 days a week from 9am – 5pm, but will extend opening hours until 8 or 9pm for the summer season. Winter hours are 9am – 4pm.

If 5,000 or more people are **expected** to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |   |                          |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box I)

☐

**Supply of alcohol** (if ticking yes, fill in box J)

x

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

# I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0900	2100			
Tue	0900	2100			
Wed	0900	2100			
Thur	0900	2100			
Fri	0900	2100	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	0900	2100			
Sun	0900	2100			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Marianna Browning	
Date of birth	<input type="text"/>
Address <input type="text"/>	
Postcode <input type="text"/>	
Personal licence number (if known) WDPA2003	
Issuing licensing authority (if known) Dorset Council	

## K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

None that we are aware of. Alcohol is to be served with food in a café environment.

## L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
Mon	0900	2100	
Tue	0900	2100	
Wed	0900	2100	
Thur	0900	2100	
Fri	0900	2100	
Sat	0900	2100	
Sun	0900	2100	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The café management and staff are committed to serving alcohol responsibly. All members of staff are given training to ensure a consistent, responsible approach to this.

**b) The prevention of crime and disorder**

The café will only serve alcohol with food and all staff will be trained not to serve to the point of inebriation. Staff are already trained in procedures if a customer is inebriated.

**c) Public safety**

Our staff are trained to serve alcohol responsibly and ensure inebriation does not occur in our premises. We also train staff on procedures should a customer become inebriated.

**d) The prevention of public nuisance**

Customers will be asked to leave the premises without making undue noise or nuisance. The café is in a seaside, holiday area and we will be closing by 5pm every evening (9 pm for the 6 week summer season) so our customers will not be leaving the premises at antisocial hours.

**e) The protection of children from harm**

Our staff are trained to serve alcohol responsibly and safe guard any children present.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. x
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). x

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

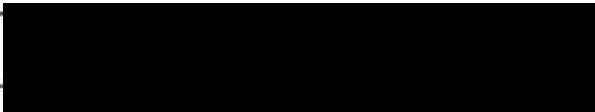
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her</li></ul>
--------------------	---



	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	12/3/2020
Capacity	Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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## Aileen Powell

---

**From:** Samantha Spracklen  
**Sent:** 29 July 2020 15:42  
**To:** Aileen Powell  
**Subject:** FW: FW: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

**Samantha Spracklen**  
**Licensing Officer**  
**Licensing**

**Dorset Council**

  
[dorsetcouncil.gov.uk](http://dorsetcouncil.gov.uk)



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[dorsetcouncil.gov.uk/e-newsletter](http://dorsetcouncil.gov.uk/e-newsletter)

### *In the time of COVID-19 -*

Please note the majority of Dorset Council staff have commenced working remotely in response to Government calls to stay at home. Environmental Protection Officers should be contactable via e-mail or telephone, although our ability to access emails and data files on the Council's network may be limited. Please accept our apologies in advance for any delays in our service during this difficult time, which we are working hard to minimise as much as possible.

---

**From:** Bean, John [mailto:**Sent:** 01 July 2020 10:01  
**To:** Samantha Spracklen < >  
**Subject:** FW: FW: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application



Hi Sam,

Please see confirmed agreement to proposed conditions.

Regards

John

---

**From:**   
**Sent:** 01 July 2020 09:52  
**To:** Bean, John   
**Subject:** RE: FW: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Hi John,  
This all sounds fine and perfectly sensible.

Are these additional areas of the form I need to fill in and submit or do you just need email confirmation that I will act in these areas?

Many thanks

Marianna

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Bean, John" <[REDACTED]>

Date: 01/07/2020 09:37 (GMT+00:00)

To: [REDACTED]

Subject: FW: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Sent to new e-mail per telephone conversation

---

**From:** Bean, John

**Sent:** 01 July 2020 09:29

**To:** [REDACTED]

**Subject:** FW: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Hi Marianna,

This may come to you twice as my system, for some reason, says it is having difficulty delivering the e-mail.

Regards

John

---

**From:** Bean, John

**Sent:** 01 July 2020 09:23

**To:** marianna <[REDACTED]>

**Cc:** Samantha Spracklen [REDACTED] >

**Subject:** RE: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Hi Marianna,

I have now received your amended application which will include off sales from the premises.

I am pleased to note that one condition that remains is that alcohol will only be served with food and for clarity I believe this should specify that this condition only applies to on sales.

Given that you now wish to add off sale to your licence application, I would also like to see conditions covering CCTV, Challenge 25, staff training and a refusals and incident log.

I trust this will be acceptable and seen as reasonable and proportionate for the operation of your business and I look forward to hearing from you in due course.

Regards

John

---

**From:** marianna [REDACTED] >  
**Sent:** 02 April 2020 14:34  
**To:** Bean, John [REDACTED]  
**Subject:** RE: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Thanks John, that's fab x

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Bean, John" <[REDACTED]>

Date: 02/04/2020 14:24 (GMT+00:00)

To: 'marianna' <[REDACTED]>

Cc: 'Roy Keepax' <[REDACTED]>

Subject: FW: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Hi Marianna,

Having now reviewed your application, I can confirm that from a police licensing perspective, no objection will be made.

Regards

John

---

**From:** Bean, John  
**Sent:** 02 April 2020 11:38  
**To:** marianna  
**Subject:** RE: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Thanks Marianna

Regards

John

---

**From:** marianna <[REDACTED]>  
**Sent:** 02 April 2020 11:31  
**To:** Bean, John <[REDACTED]>  
**Cc:** Roy Keepax <[REDACTED]>  
**Subject:** RE: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Morning! Photos as promised.

Please do shout if you need anything else.

Marianna

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Bean, John" <[REDACTED]>

Date: 31/03/2020 09:35 (GMT+00:00)

To: [REDACTED]

Cc: Roy Keepax <[REDACTED]>

Subject: Cherries Cafe and Ice Cream Parlour West Bay Licensing Application

Good morning,

I refer to your above application and shall be pleased if you will e-mail a photograph of the blue notice that must be displayed on the premises to advertise the application to members of the passing public.

Many thanks

John Bean

Licensing Officer

Drug and Alcohol Harm Reduction Team

Prevention Department

Dorchester Police Station

Tel 01202 226828

\*\*\*\*\*

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I am writing on behalf of residents of Pier Terrace to object in the strongest possible terms to the application of a license to sell alcohol by the Cherries Ice Cream Parlour.

Our objections are based on the following:

Pier Terrace is a residential block with private communal garden amenity to the front. The Cherries Ice Cream Parlour is a business addition and customers access via a door adjacent to this shared garden amenity. We already face issues with people using the cafe thinking they can use the garden amenity area and, at present, a polite word generally suffices to encourage compliance. This will not be the case if people are fuelled with alcohol.

Further, there are basement areas which will, in no time, be used as urinals if people are drunk and hanging around finishing drinks after the cafe closes.

The block is a mix of residents with a high number of senior citizens and also some young families. We do not want more vulnerable people put at risk by people drinking alcohol in the midst of an otherwise residential block and in an area where young children are, at present, safe to play unattended.

There is no need for the cafe to sell alcohol as the Bridport Arms is less than 50 yards away, providing a licensed service to those who wish it. Drinkers in the Hotel bar do not assume they can use our garden area because it is separated by a wall. This would not apply in the case of the Cherries.

As part of our pre contract enquiries when purchasing our property, we checked that the premises now known as the Cherries did not have a license. The present business conversely took the lease on that basis. To reverse this situation would be inequitable.

I trust the application will be rejected in the light of these concerns.

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I am writing on behalf of residents of Pier Terrace to object in the strongest possible terms to the application of a license to sell alcohol by the Cherries Ice Cream Parlour.

Our objections are based on the following:

Pier Terrace is a residential block with private communal garden amenity to the front. The Cherries Ice Cream Parlour is a business addition and customers access via a door adjacent to this shared garden amenity. We already face issues with people using the cafe thinking they can use the garden amenity area and, at present, a polite word generally suffices to encourage compliance. This will not be the case if people are fuelled with alcohol.

The café at the end of Pier Terrace has been operating since Ben and Annette Bryant (who live above and previously owned it) built it and ran it for 20 years until 1980 and has been tenanted as a café, both unlicensed and licensed ever since. I am currently unaware of any problems with our customers using the grass areas belonging to other residents. No-one has raised this as an issue since I have owned it, even during the busy summer season of 2019. As any of the residents who have spoken to me will know, I am very aware that this is a residential block and have been trading responsibly with this in mind. I am, of course, happy to increase our vigilance in this matter. I understand that the resident or residents concerned may think these will increase, but there is no record or anecdotal evidence that there has ever been a problem with this before, when the café was trading as a licensed premises under previous tenancies. We cannot sell alcohol without complying with the very stringent codes in place to safeguard the public and prevent irresponsible inebriation. We are simply hoping to serve customers a glass of wine with their lunch. The customer age group that frequents our cafe actually mirror the residents of Pier Terrace. We have a lot of older customers and a lot of young families, neither of which are prone to alcohol abuse or public nuisance. We will never serve customers excess alcohol as it is irresponsible as well as breaching the guidelines necessary to successfully trade with a license.

Further, there are basement areas which will, in no time, be used as urinals if people are drunk and hanging around finishing drinks after the cafe closes.

We are not selling any alcohol to take away and not proposing to open late, hence the license application cut off time of 9pm. We have toilets in the café and I'm sure our customers will prefer to use them.

The block is a mix of residents with a high number of senior citizens and also some young families. We do not want more vulnerable people put at risk by people drinking alcohol in the midst of an otherwise residential block and in an area where young children are, at present, safe to play unattended.

As I mentioned, our customers are the same profile as the residents. There will be no more risk with people buying a glass of wine with their meal than there currently is amongst the residents themselves having a glass with their dinner. We will not serve

excess alcohol to anyone, as it is irresponsible and we are a small, friendly family café with our customers and the residents best interests at heart.

There is no need for the café to sell alcohol as the Bridport Arms is less than 50 yards away, providing a licensed service to those who wish it. Drinkers in the Hotel bar do not assume they can use our garden area because it is separated by a wall. This would not apply in the case of the Cherries.

I feel that the main concern here, seems to be unauthorised use of the garden area by our potentially increased business. Of course we would like customers to come to us for their meal, rather than the Bridport Arms or any of the many other licensed premises in West Bay. We offer a really lovely menu and would like to add the option of a drink with a meal choice to widen our overall offering. The café has always been licensed in the past without issue, so I'd like to understand more about the nature of the objection on this point.

As part of our pre contract enquiries when purchasing our property, we checked that the premises now known as the Cherries did not have a license. The present business conversely took the lease on that basis. To reverse this situation would be inequitable.

The café at the end of Pier Terrace has been operating since Ben and Annette Bryant (who live above and previously owned it) built it and ran it for 20 years until 1980. Since then, it has been leased to third parties to run as a café with only a break for 18 months during 2017 – early 2019. I know that the café was licensed under Cyndy Mudford's tenancy for 9 years, from 2008 to 2017, and the license was also active for the short time her successor ran it. I have no idea what year the objector bought his property, but no application was made to us about our intentions to apply for a license or whether our lease has a clause concerning this. As I have only owned and been trading in the property since May 2019, I can only assume it's a recent purchase?

I must stress that I haven't 'taken a lease', I have bought the building and, as such, do not have a rental agreement with any such clause in place. If the objector would not have bought their flat if our café had a license, it is a conversation they may wish to have with their conveyancing solicitor. If the flat was bought before our ownership, then the café would have been trading with a license already.

As the building owner, I also am a 'resident' of Pier Terrace and enjoy friendship and custom with many of the residents. This last point seems to be a personal point and not one shared by other residents of Pier Terrace, which makes me query whether this is a personal objection or, as intimated, a group one. I am very happy to meet with anyone to talk about their concerns and let them know what plans I have for the café. Maybe they would like to come in, once this current crisis is over, and see for themselves the lovely, family-friendly café they have on their doorstep.

I trust the application will be rejected in the light of these concerns.