



Licensing Sub-Committee

Licensing Act 2003 – Application for a new premises licence for Cove Café Ltd, Bridport

Date of Meeting: 15 July 2020

Portfolio Holder: Cllr T Alford, Customer, Community and Regulatory Services

Local Member(s): Cllrs Dave Bolwell, Kelvin Clayton and Sarah Williams

Director: John Sellgren, Executive Director of Place

Executive Summary:

An application for a new premises licence has been made by Cove Café Ltd for on and off sales of alcohol, regulated entertainment and late night refreshment. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

Equalities Impact Assessment:

Not Applicable

Budget:

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.

Risk Assessment:

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

Climate implications:

Not Applicable

Other Implications:

Human Rights Act 1998. Article 6 of the Convention requires that everyone be given a fair and public hearing within a reasonable. The applicant has received a copy of this report and has been invited to attend the Committee meeting or submit written representations to be placed before the Members when considering this matter.

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.

Reason for Recommendation:

The Sub-Committee must take into account the oral representations and information given at the hearing.

Appendices:

Appendix 1 – Application form
Appendix 2 – Plan of the premises
Appendix 3 – Location plan
Appendix 4 – Representations against the application
Appendix 5 - Conditions consistent with the operating schedule

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](#)

Officer Contact:

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1. An application has been received for a new premises licence from Cove Café Ltd for a premises at Seals Cove, St Andrews House, St Andrews Trading Estate, Shoe Lane, Bridport, DT6 3EX to include;
 - the supply of alcohol for on and off sales between 1100hrs and 2330hrs daily, with an additional hour on New Year's Eve and all national bank holidays
 - regulated entertainment (films indoors) between 0800 and 2330hours with an additional hour on New Year's Eve and all national bank holidays
 - regulated entertainment indoor only (sporting events, live and recorded music, performance of dance and anything of a similar description) between 2300 and 2330hours with an additional hour on New Year's Eve and all national bank holidays, and
 - late night refreshment between 2300 and midnight with an additional hour on New Year's Eve and all national bank holidays.

The full application is attached at appendix 1.

The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 introduced section 177A to the Licensing Act and removed the need to have the activities of live and recorded music included in a licence that authorises the sale of alcohol between 8am and 11pm. The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 amended the Act to allow certain entertainment between 0800 and 2300hrs not to be classed as regulated entertainment and therefore need to be licensed.

2. The premises is described as a "family leisure complex". The plan of the premises is attached at appendix 2 and shows specific places within the complex as diner, party room and a seated area overlooking a soft play area.
3. The premises is within an industrial estate and a location map is attached at appendix 3.
4. The application was received on 15 May 2020 with the statutory consultation period of 28 days ending on 12 June 2020. The period in which the hearing could be held was extended for a week by way of a Notice due to the coronavirus outbreak which has complicated holding a public hearing being held within the prescribed timeframe.
5. No representations have been received from any of the Responsible Authorities.
6. Five representations objecting to the application have been received from neighbours, these are attached in the table at appendix 4.
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. There is reference within the representations of being disturbed by noise when events involving live or recorded music taken place, and to the disturbance potentially being caused

by persons leaving the premises and should be considered as being relevant to the licensing objective of preventing public nuisance. References to “need” and to parking matters are planning considerations and should not be considered relevant to an application for a premises licence.

8. The applicant has included a number of measures in the operating schedule that including having CCTV, incident and refusals logs and notices requesting people leave quietly. Officers have prepared a schedule of conditions attached at appendix 5 that would be consistent with this operating schedule.

9. 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”

10. Having taken into account the representations and the evidence presented at the hearing the sub-committee may:-

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