



## Licensing Sub-Committee

**Date:** Wednesday, 12 January 2022  
**Time:** 10.00 am  
**Venue:** A link to the meeting can be found on the front page of the agenda.

### Members (Quorum 3)

Jon Andrews, Les Fry and Emma Parker

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

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

Please note this meeting will be held virtually. Members of the public are welcome to watch this meeting and listen to the debate online by using the following link

[Link to meeting](#)

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.

### Agenda

Item		Pages
1.	<b>ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING</b>	3 - 6
	To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

#### **4. 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.

#### **5. SUMMARY REVIEW OF ACTORS IN WEYMOUTH**

7 - 42

An application for a summary review of a premises licence was made by Dorset Police on 15<sup>th</sup> December 2021 following serious crime associated with the premises. The application must be considered at a hearing by a licensing Sub-Committee within 28 days of that application

#### **6. 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.



## **THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

### 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 leave, and may refuse that person to return, 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 Services 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
  - the council officers present
  - the parties and their representatives
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.
8. The Chairman will ask any person who has made representations, who have 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 sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
11. On returning the Chairman will:
  - Notify all those present of the sub-committee’s decision (or indicate when it will be made)

- Give brief details of any conditions attached to the licence approval;
- Or
- Outline the reasons for the refusal
  - Inform that detailed reasons will follow in writing (unless given on the day)
  - Inform those present of their right to appeal to the Magistrates' Court

#### **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.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting 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.

This page is intentionally left blank

## Licensing Sub-Committee 12 January 2022 Summary Review of Actors in Weymouth

### For Decision

**Portfolio Holder:** Cllr L Miller, Customer and Community Services

**Local Councillor(s):** Cllr J Orrell

**Executive Director:** J 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 from Dorset Police for a summary review due to serious crime at the premises in light of the written and oral evidence and considers what steps are appropriate and proportionate for the promotion of the licensing objective of the prevention of crime and disorder

**Reason for Recommendation:** The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision

#### 1. Executive Summary

An application for a summary review of a premises licence was made by Dorset Police on 15<sup>th</sup> December 2021 following serious crime associated with the premises. The application must be considered at a hearing by a licensing Sub-Committee within 28 days of that application

## **2. Financial Implications**

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs

## **3. Well-being and Health Implications**

None

## **4. Climate implications**

None

## **5. Other Implications**

Public Health and Community Safety

## **6. Risk Assessment**

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

Current Risk: High

Residual Risk: High

## **7. Equalities Impact Assessment**

Not Applicable

## **8. Appendices**

Appendix 1 – Police Certificate and Summary Review Application

Appendix 2 – Decision Notice for Interim Steps

Appendix 3 – Premises Licence

Appendix 4 – Law and Guidance on Summary Reviews

## **9. Background Papers**

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)



## **10. Details of Application**

- 10.1. An application was received from Dorset Police on 15 December 2021 for a Summary Review of the premises licence for Actors, 3-7 Maiden Street, Weymouth. The application and certificate are attached at Appendix 1, with supporting spreadsheet detailing incidents. The application and the certificate comply with section 53A of the Licensing Act 2003 and the regulations pertaining thereto.
- 10.2. The Sub Committee met within 48 hours of the receipt of the application to decide whether it was necessary to take any interim steps pending this full review hearing that is being held within 28 days of the date of the application. The Decision Notice detailing the interim steps is included at Appendix 2.
- 10.3. The required Notice advertising the Summary Review was placed at the premises giving a period up to 4 January 2022 for representations to be made.

## **11. Licence**

- 11.1. The premises has been licensed since 2005.
- 11.2. The current premises licence holder is a company called Darya Ltd, registered at the same address as the premises 3-7 Maiden Street, Weymouth, this company has held the licence since January 2017.
- 11.3. A search of the Company Information Service shows that there are currently no persons associated with the company. The sole director, and only shareholder, Mr Afsheen Marseh resigned on 1 October 2021 both as the director and as the person with significant control of the company.
- 11.4. As of 1 January, a new director has been appointed, Phillipa Holt.
- 11.5. Mr Parviz Panjalizadeh-Marseh has been the Designated Premises Supervisor (DPS) since August 2020. He was previously the DPS at the premises between August 2015 and August 2017 and was the holder of the licence between July 2013 and January 2017. The Premises Licence is attached at Appendix 3.

## 12. Considerations

12.1. Sections 53A-53D of the Licensing Act 2003 and the pertinent chapter on Summary Reviews from the Section 182 Guidance are attached at Appendix 4 to assist the Sub-Committee.

12.2. Paragraph 12.2 of the Section 182 Guidance sets out the circumstances when a summary review is appropriate; -

*The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.*

12.3. Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate: -

*“9.42 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.*

*9.43 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.*

*9.44 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.”*

### **13. Recommendation**

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

- a) the prevention of crime and disorder
- b) the prevention of public nuisance
- c) public safety
- d) the protection of children from harm.

13.2. The steps that the Sub-Committee may take are:

- a) Modification of the conditions of the licence
- b) Exclusion of a licensable activity from the scope of the licence
- c) Removal of the Designated Premises Supervisor from the licence
- d) Suspend the licence for a period not exceeding 3 months
- e) Revoke the licence

13.3. The determination of the LA will not take effect until the end of the 21-day period during which an appeal may be lodged or if the decision is appealed until that appeal is heard. Therefore, the Sub-Committee must review the interim steps that have already been taken and after considering all the evidence before them decide whether it is appropriate and proportionate that the steps decided on; -.

- a) remain in place, or
- b) be modified, or
- c) be withdrawn.

13.4. There can be no delay or adjournment of this hearing beyond the statutory 28-day period) and the determination must be made within the 28-day period which ends on 12 January 2022. (paragraph 12.22 of the guidance)

**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.

# Statutory Form For Applying For A Summary Licence Review

Dorset Council Licensing Authority

## Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

---

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 the 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.**

I, **Police Sergeant Gareth Gosling** on behalf of the chief officer of police for the Dorset Police area, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

### 1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description: **Actors, 3-7 Maiden Street**

Post town: **Weymouth**

Post code (if known): **DT4 8BB**

### 2. Premises licence details:

Name of premises licence holder (if known): **Darya Ltd.**

Number of premises licence holder (if known): **WPPL0293**

### 3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in their opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

---

#### **4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

There is a significant concern that the Licensing Objectives are not being promoted at Actor's. Since the premises reopened fully following the Government restrictions on Licensed Premises due to the Coronavirus pandemic, many incidents of crime and disorder have occurred, associated with the premises, which have caused significant concern to Dorset Police.

The Dorset Police Drug & Alcohol Harm Reduction Team (DAHRT) have worked closely with colleagues in the Neighbourhood Policing Team (NPT), Patrol Officers and partners in the Local Authority for some time to identify the cause of the issues and to engage with the owner and security contractor at the premises to make recommendations and support them to improve the safety and overall compliance of the premises. These efforts have unfortunately proven to be unsuccessful to date.

Whilst these concerns have been ongoing for some time I will concentrate on those that have occurred since the beginning of June 2021, which demonstrates the severity and the rapidity of the deterioration that has been experienced at Actor's in the past 6 months. Dorset Police has received many reports of violence and disorder, both within and immediately outside the premises, at varying times of the evening. Several reports of sexual assault have been reported as being associated to Actor's and the levels of intoxication leading to welfare concerns have been overwhelmingly more commonplace at Actor's than at any other premises in the area. Due to the vast number of these reports, it is my intention to elaborate further on these reports during the Sub-Committee Hearing which follows this application.

Between August and October 2021 Dorset Police received an increase in the number of reports of alleged drink spiking offences throughout the County, particularly in Bournemouth and Weymouth. Due to this potentially serious emerging trend, an investigation was launched in key locations where this activity was reported to be taking place with the sole intention of identifying and arresting those responsible for this serious crime. Engagement took place with operators of several late-night premises, including those involved in the management at Actor's, who had agreed to make every effort to rid their premises of any risk of Drink Spiking through enhanced training and awareness amongst staff and publicity to highlight the concerns to customers at the premises to encourage them to make every effort to enjoy the night time economy responsibly and to report any suspicious activity to Door Supervisors or staff at the premises. Additionally, assurances were given by management at Actor's that they would make efforts to minimise any risk of drug use or distribution at the premises through the introduction of an enhanced search policy.

The investigation which followed took place in Weymouth Town Centre over several consecutive weekends and identified that the general compliance amongst most licensed premises was good. The clear majority of premises were consistently operating in a responsible and professional manner which promoted the licensing objectives and particularly safeguarded against the risk of drink spiking. However, throughout this investigation, Actor's was unfortunately highlighted by the investigation team as being of concern.

These concerns generally centered around the distribution and overwhelming availability of Class A drugs inside or in the immediate vicinity of the premises. Staff, including Door Supervisors, were identified as being involved in allowing, and in some cases facilitating, known drug dealers to enter the premises, distribute Class A substances and, on one occasion, influence the ejection of other customers for no apparent reason. Door Supervisors have been seen to witness drugs being used by individuals who are subsequently allowed to enter the premises unchallenged. One member of staff was identified as being directly involved in the distribution of Class A drugs. Other premises do suffer challenges with tackling the use and distribution of illegal substances, however, the investigation team evidenced a complete lack of any control and a culture of widespread acceptance of drug availability and distribution based solely in and around Actor's.

Furthermore, the investigation team identified that there were several drug dealers operating at the premises which had consequently led to such severe hostility amongst some individuals that one confirmed weapon was seen inside the premises and a further unconfirmed weapon, whilst not seen, was described as an article capable of causing serious harm. This weapon was being carried by an individual involved in the supply of drugs and who confirmed that the intention of possessing the weapon was to defend him and his associates from others inside the venue.

Throughout the investigation officers established that Class A drugs were available at Actor's through a network of individuals, including a member of staff at the premises. There is an accepted culture of drug distribution and use which is fueling an increasing demand, leading to increasing vulnerability of those intent on enjoying the night time economy. Weapons are being carried by individuals involved in drug distribution, heightening concerns that instead of working hard to reduce the risk of harm to staff and customers, the staff at the premises are in the best-case scenario failing to act to reduce this risk or in the worst case scenario are contributing to an increase in overall risk to those at the premises.

I am not satisfied that a standard Review is appropriate due to the delays that would be incurred and the continued risk

to the public that this premises presents. I therefore respectfully request that the Dorset Council Licensing Sub-Committee agree to impose interim measures to include the temporary suspension of the Premises Pending a Full Hearing to decide the most appropriate measures to deal with these concerns.

I have considered whether alternative interim measures could achieve a safe environment, however, due to the availability of evidence which supports the view that there is a clear culture of drug use and distribution at the premises, involving staff, and concern regarding the presence of weapons at the premises, I am of the view that a temporary suspension of the premises licence is unfortunately the only appropriate option.

In addition to any interim measures and subsequent action taken following the forthcoming Licensing Sub-Committee Hearings, the Sub-Committee should be reassured that Dorset Police, and our partners, will also continue to make every effort to prosecute any individuals identified as being associated with this serious crime.

Signature of applicant:



**Date:** 15/12/2021

**Capacity:** *Police Sergeant – Dorset Police Drug & Alcohol Harm Reduction Team*

**Contact details for matters concerning this application:**

**Address:**

DAHRT  
Bournemouth Police Station  
Madeira Road  
Bournemouth  
Dorset  
BH1 1QQ

**Telephone** – 01202 222824

**e-mail** – [licensing@dorset.pnn.police.uk](mailto:licensing@dorset.pnn.police.uk)

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

This page is intentionally left blank





.....

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

**Premises:**

*Actor's  
3-7 Maiden Street  
Weymouth  
Dorset  
DT4 8BB*

**Premises Licence Number (if known):** WPPL0293

**Name of premises supervisor (if known):** Mr Parviz PANJALIZADEH-MARSEH

I am a Superintendent in the Dorset Police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:

There is a significant concern that the licensing objectives are incapable of being promoted at this premises.

A recent investigation has identified that there is widespread distribution and use of Class A drugs and the presence of weapons within the premises. The evidence presented to me clearly indicates that those involved in organised crime may have become established at the premises. I am concerned that serious criminality regularly occurs within this licensed premises, which places the public at significant risk of harm.

Furthermore, I am concerned as to the apparent involvement of staff in either permitting or promoting this criminality within and in the vicinity of the premises which will impact on the safety of those attending the premises and others in the local community.

I am not satisfied that a standard review is appropriate due to the delays that would be incurred and the continued risk to the public that this premises presents as the licence holder is failing to uphold the licensing objectives. Allowing the premises to remain open while would significantly increase the risk of serious crime occurring within the licensed premises.



.....

T/Superintendent Dean O'Connor

This page is intentionally left blank



**Licensing Sub-Committee  
Licensing Act 2003 Section 53A – B application for Summary Review (Interim Steps)  
Decision Notice**

**Applicant(s):** Dorset Police

**Premises:** Actors, 3-7 Maiden Street Weymouth Dorset DT4 8BB

**Premises Licence No:** WPPL0293

**Premises Licence Holder:** Darya Ltd

**Sub Committee members:** Cllrs L Fry (Chairman), J Andrews, E Parker

**Summary of the Application**

An application for a Summary Review was submitted by Dorset Police on 15 December 2021. The application form and certificate included a statement from a senior officer of police that in their opinion the premises were associated with serious crime/serious disorder.

The application stated that there have been many reports of crime and disorder reported to the Police over the last 6 months. The Police also have concerns about the levels of intoxicification of customers and other welfare issues associated with the premises.

A recent investigation by the Police had found drug dealing and drug use at and nearby the premises. Staff, including door supervisors had allowed known drug dealers to enter the premises. Door supervisors had seen drug use by persons who were then allowed into the premises. The investigation had found that several dealers of class A drugs were operating at the premises including a member of staff. It had also found that a weapon was in the premises with reports of another weapon. The Police were concerned that class A drugs are overwhelmingly available at, and close, to the premises and that staff at the premises are failing to act to reduce these issues and potentially contributing towards them.

The Police had visited the Premises and spoken to the DPS and staff about measures that could be taken to address the issues. Whilst some measures have been adopted, they have not been effective.

The Police considered that the failure to manage the premises appropriately to prevent serious crime and disorder posed a serious risk to public safety and requested that the Sub-Committee suspend the Premises Licence with immediate effect.

**Decision**

To suspend the Premises Licence for Actors with immediate effect, pending the full review hearing.

**Reasons for the Decision:**

The Sub-Committee considered the application, the Licensing Act 2003, in particular Sections 53A – B of that Act, the S182 Statutory Guidance relating to expedited reviews, the licensing objectives, the Dorset Council Statement of Licensing Policy 2021-2026 and all of the information presented to them today and decided as follows:

1. That given the current breach of the licensing conditions attached to the Premises Licence, the Sub-Committee was of the view that the licensing objectives would not be met by the Premises Licence Holder if the premises were to remain open.
2. The Sub-Committee considered that the premises posed a serious risk to the public and the Sub-Committee was not satisfied that there would not be another incidence of serious crime and/or serious disorder if the premises remained open.
3. The Sub-Committee believed that the interim step of suspending the premises licence pending the full expedited review hearing is a proportionate and appropriate measure to take to prevent serious crime and/or serious disorder occurring. The Sub-Committee were of the view that the other options available to them of modifying the premises licence conditions, excluding the sale of alcohol from the scope of the Premises Licence or removing the Designated Premises Supervisor would not address the issues at the premises.

**Right to Make Representations:**

The Premises Licence holder may make representations against the interim step(s) taken by the Licensing Authority.

Councillor L Fry

Dated: 17 December 2021

**Licensing Act 2003**  
**Premises Licence**

**WPPL0293**

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Actor's**

3-7 Maiden Street, Weymouth, Dorset, DT4 8BB.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Daily	Midnight	11:59pm
F. Playing of recorded music (Indoors)	Daily	Midnight	11:59pm
G. Performance of dance (Indoors)	Daily	Midnight	11:59pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Daily	Midnight	11:59pm
I. Late night refreshment (Indoors)	Daily	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Daily	Midnight	11:59pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Daily	Midnight	11:59pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

**Licensing Act 2003**  
**Premises Licence**

**WPPL0293**

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Darya Ltd  
3-5 Maiden Street, Weymouth, Dorset, DT4 8BB.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Darya Ltd 10448060

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Parviz PANJALIZADEH-MARSEH

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. WPPA0669 Issued by Weymouth and Portland

**ANNEXES**

**APPENDIX 1 - MANDATORY CONDITIONS**

**1. Designated Premises Supervisor**

No supply of alcohol may be made under this premises licence -

- (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of

**Licensing Act 2003**  
**Premises Licence**

**WPPL0293**

**ANNEXES continued ...**

the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - (a) a holographic mark or
  - (b) an ultraviolet feature.
- 6. The responsible person shall ensure that -
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1 -
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
  - (i) The holder of the premises licence
  - (ii) The designated premises supervisor (if any) in respect of such a licence, or
  - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would

## Licensing Act 2003 Premises Licence

# WPPL0293

### ANNEXES continued ...

be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or  
(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or  
(b) in respect of premises in relation to:  
(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or  
(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and  
(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

##### Prevention of Crime and Disorder

- (1) Where a condition is attached to the licence requiring the provision of individuals to carry out security activities, such as door supervision, the holder of the premises licence will ensure that:  
(a) the number of security personnel on duty are at the Management's discretion;  
(b) all security personnel wear a name badge as identification;  
(c) each person employed to carry out security activities carries proof of his/her registration with the Security Industry Authority.  
(d) that the security personnel are stationed (either inside or outside the premises) as deemed appropriate by the licence holder.  
(e) when supervisors are required to undertake body searches, at least one female supervisor is available to undertake the searches of female customers.
- (2) The premises shall be conducted at all times decently, soberly and in an orderly manner. No offensive or obscene performances shall be permitted.
- (3) Video Conditions  
Where the Licensing Authority so directs in writing, video recording equipment shall be installed on the premises. The term "video recording equipment" shall mean cameras, video recorders, monitors and all associated equipment and cabling which together are capable of making an effective video recording of images in the premises.
- (i) The number of cameras, and the areas in which activity is to be recorded by the cameras (which may include areas not forming part of the licensed premises) is to be determined by the Licensing Authority after representations made by the Dorset Police or any other recognised person or organisation. The video recording equipment must be of a type approved by the Licensing Authority in writing.
- (ii) The video recording equipment shall be maintained in good working order and condition at all times.
- (iii) The video recording equipment must be operated and effective recording made at all times that the premises are used for the purpose for which the licence is required.



## Licensing Act 2003 Premises Licence

# WPPL0293

### ANNEXES continued ...

- (iv) The recording made under Condition (iii) above should be kept on the premises for a continuous period of three weeks beginning on the day on which the recording was made.
- (v) A register shall be maintained in a manner prescribed by the Licensing Authority in which shall be recorded the details of the video recording equipment, and its use, repair and maintenance. The register shall be made available to the Police and the Licensing Authority for inspection at all times and for a period of two years from the date on which the last entry was made in the register.
- (iv) No item of video recording shall be added to the system without the written consent of the Licensing Authority.
- (vii) No item of video recording shall be replaced without the written consent of the Licensing Authority except in the case of emergency in which case the licensee shall inform the Licensing Authority in writing within 72 hours of the emergency first occurring.
- (viii) Video recording equipment shall be installed and maintained in accordance with the report of Dorset Police.

NOTE: These Conditions apply to installation of video recording equipment in connection with the premises when used for the purpose for which a Public Entertainment Licence is required. The Licensee may wish to enlarge the system for additional purposes, eg as a management tool for staff supervision or for security. These conditions do not apply to those items of video recording equipment used exclusively for any such additional purpose and which are separate from the equipment provided in accordance with this Condition

#### Public Safety

- (4) The holder of the premises licence will ensure that:
  - (a) when disabled people are present on the premises, there are adequate arrangements to enable their safe evacuation in the event of an emergency;
  - (b) any disabled people on the premises are made aware of those arrangements.
- (5) The maximum number of people, including staff, permitted to be present on the premises during licensed hours shall be on the Ground Floor (dancing and seated) 200 and on the First Floor (dancing and seated) 240 the persons are to be so distributed and in such a manner that at no time shall the maximum number in the areas shown on the plan be exceeded or as notified to you from time to time in writing by the Dorset County Council as the Fire Authority.
- (6) All steps shall be taken as respect the structure and layout of the premises and the equipment provided therein to reduce danger to life from fire as in the opinion of the Fire Authority are reasonable having regard to the number of persons likely to use the premises.
- (7) No alterations or additions shall be made to the premises without prior notification of at least 21 days to the Fire Authority.

#### Prevention of Public Nuisance

- (8) Each external door opening from the area covered by the Licence to the outside must be kept closed whilst music or any amplified sound is being played/produced. If the external doors are required for the entrance or exit of clients, there must be a lobby to prevent breakout of noise with at least one set of internal doors and at no time shall both the external and internal doors be open at the same time. No measures whatsoever, whether by pinning back, propping open or other means, are to be taken to keep either set of doors open.
- (9) The noise limiting device installed must control the power circuits used by both live musicians and also by any disco music provided every time music is being played.
- (10) All windows to the area where music is to be played must be acoustically doubled glazed and any opening lights must be kept locked shut whilst music or any other amplified sound is being played.
- (11) A suitable and sufficient acoustically treated ventilation system must be provided to ensure sufficient ventilation to the premises and to obviate the need for the doors and windows to be propped open for ventilation purposes.

#### Protection of Children from Harm

- (12) The holder of the premises licence will ensure that
  - (a) 'proof of age' is required for any sale / supply of alcohol that takes place where there is a suspicion on the part of the person selling or supplying the alcohol that the customer is under 18 years of age;
  - (b) 'proof of age' is required when the presence of children is restricted to all or part of the premises, or at certain times;

**Licensing Act 2003**  
**Premises Licence**

**WPPL0293**

**ANNEXES continued ...**

- (c) such proof of age conforms to the PASS accreditation system, photo driving licence, student cards and passports.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

- 1) The holder of the premises licence will ensure that the sound system installed on the premises is governed by a tamper-proof sound limiter set at an acceptable level to be agreed between a qualified acoustic engineer instructed by the licence holder, and who is acceptable to the licensing authority, and the Council's Environmental Health Officer and that the level of sound can only be adjusted by agreement between
- 2) The holder of the Premises Licence will ensure that regular patrols of the rear lobby area are carried out by staff in order to ensure that the outer door remains closed at all times (with the exception of emergency use).
- 3) The holder of the Premises Licence will ensure that a light emitting alarm system is installed and maintained so that staff are made aware of any unauthorised access or egress to the premises via the outer rear door and that staff respond quickly to close the door.
- 4) The holder of the Premises Licence will ensure that the rear lobby area is monitored by the CCTV system so that staff are made aware of any unauthorised access or egress to the premises via the outer rear door and that staff respond quickly to close the door.

# 12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

## Application for summary review

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
  - The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
  - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
  - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

## **The licensing authority and interim steps pending the review**

- 12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded<sup>11</sup>.
- 12.11 The licensing authority may want to consult the police about the steps that it thinks are

---

<sup>11</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing sub-committee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw

or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

## **Making representations against the interim steps**

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- 12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
  - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
- the senior officer's certificate that accompanied the application;
  - the chief officer's representations (if any); and
  - any representations made by the premises licence holder.
- 12.21 There is no right of appeal to a magistrates' court against the licensing authority's



decision at this stage.

## **The review of the premises licence under section 53C**

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of a licensable activity from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
  - advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
  - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –
- whether he intends to attend or be represented at the hearing;
  - whether he considers a hearing to be unnecessary.
  - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
- the holder of the premises licence;
  - any person who made relevant representations; and
  - the chief officer of police who made the original application.

## **Review of the interim steps under section 53D**

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
- (a) the end of the period given for appealing against a decision made under section 53C (21 days),
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

## **Right of appeal against review of interim steps decision**

- 12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard in full by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.



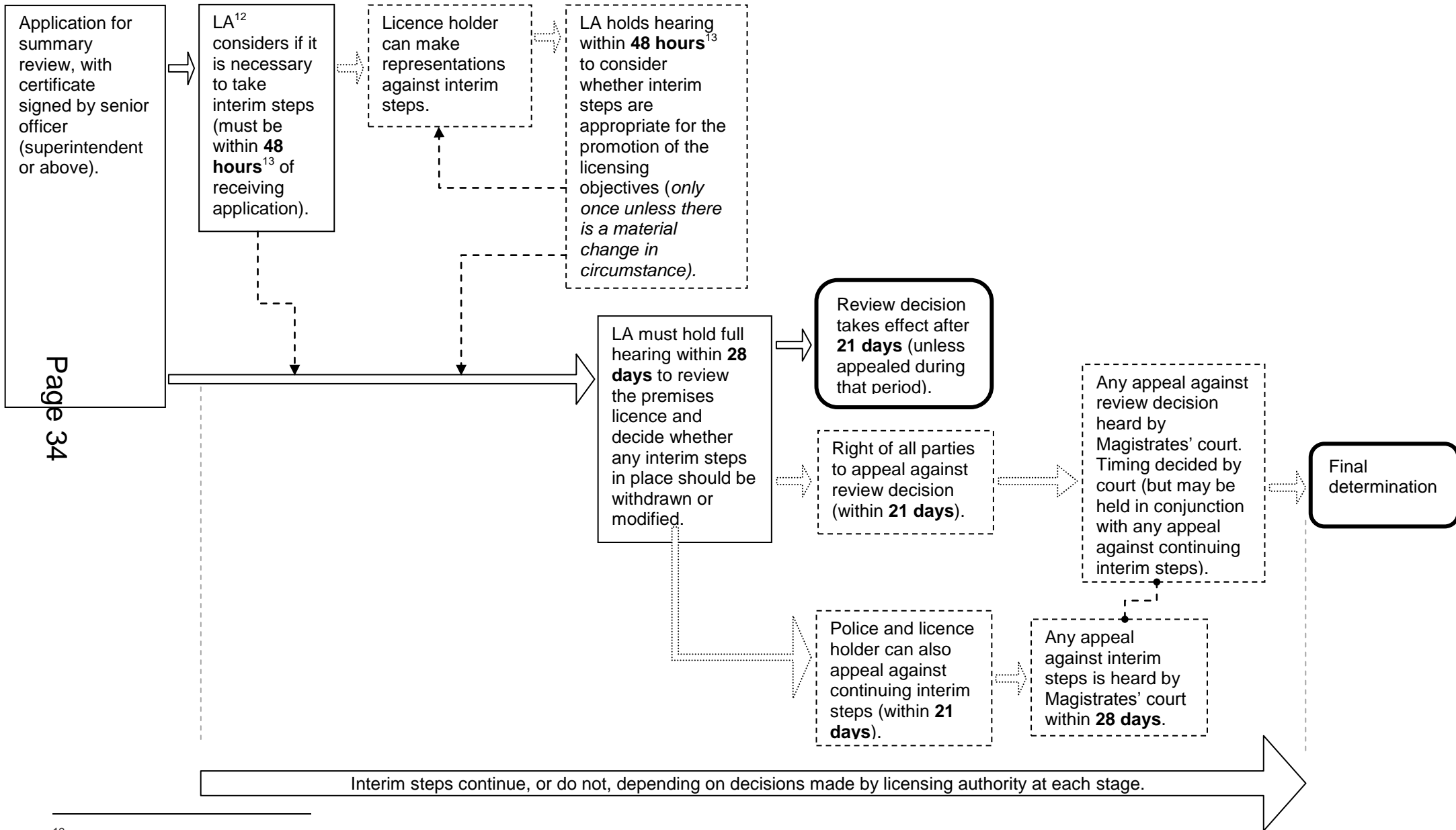
## **Right of appeal against final review decision**

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 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 disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

## **Flow diagram of the summary review process**

- 12.35 The following flow diagram summarises the process.

Summary review flowchart



<sup>12</sup> Licensing authority

<sup>13</sup> Only working days count



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 3

#### PREMISES LICENCES

*<sup>F1</sup>Summary reviews in serious cases of crime or disorder*

---

#### Textual Amendments

**F1** Ss. 53A-53C and cross-heading inserted (1.10.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 21, 66(2)(3); S.I. 2007/2180, art. 3(a)

#### **53A Summary reviews on application of senior police officer**

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
  - (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
  - (b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both; and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must—
  - (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—

---

*Changes to legislation: Licensing Act 2003, Cross Heading: Summary reviews in serious cases of crime or disorder is up to date with all changes known to be in force on or before 18 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
  - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
  - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and [<sup>F2</sup>other persons] ;
  - (d) prescribe the period after the making of the application within which the advertisement must be published;
  - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any [<sup>F3</sup>other person] ; and
  - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).
- (4) In this section—
- “senior member”, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
  - “serious crime” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

#### Textual Amendments

- F2** Words in s. 53A(3)(c) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 106(4)(a), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 53A(3)(e) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 106(4)(b), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)

### 53B Interim steps pending review

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

---

**Changes to legislation:** Licensing Act 2003, Cross Heading: Summary reviews in serious cases of crime or disorder is up to date with all changes known to be in force on or before 18 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
- (a) its decision takes effect immediately or as soon after that as that authority directs; but
  - (b) it must give immediate notice of its decision and of its reasons for making it to—
    - (i) the holder of the premises licence; and
    - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) [<sup>F4</sup>Subject to subsection (9A),] If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
- (a) the holder of the premises licence;
  - (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—
- (a) consider whether the interim steps are [<sup>F5</sup>appropriate] for the promotion of the licensing objectives; and
  - (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
- (a) the certificate that accompanied the application;
  - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
  - (c) any representations made by the holder of the premises licence.
- [ Where the relevant licensing authority has determined under subsection (8) whether <sup>F6</sup>(9A) to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination.]
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

#### Textual Amendments

- F4** Words in s. 53B(6) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 136(2), 183(1)(5)(e); S.I. 2017/399, reg. 3(b)
- F5** Word in s. 53B(8)(a) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 109(12), 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F6** S. 53B(9A) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 136(3), 183(1)(5)(e); S.I. 2017/399, reg. 3(b)

---

*Changes to legislation: Licensing Act 2003, Cross Heading: Summary reviews in serious cases of crime or disorder is up to date with all changes known to be in force on or before 18 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

### 53C Review of premises licence following review notice

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the application for the review and any relevant representations; <sup>F7</sup>and]
  - (b) take such steps mentioned in subsection (3) (if any) as it considers <sup>F8</sup>[appropriate] for the promotion of the licensing objectives; <sup>F9</sup>...
  - <sup>F10</sup>(c) .....
- (3) Those steps are—
  - (a) the modification of the conditions of the premises licence,
  - (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections <sup>F11</sup>[19 to 21](requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section “relevant representations” means representations which—
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
  - (a) that the representations are made by the holder of the premises licence, a responsible authority or <sup>F12</sup>[any other person] within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by <sup>F13</sup>[a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
  - (a) the holder of the premises licence,
  - (b) any person who made relevant representations, and
  - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—

---

*Changes to legislation: Licensing Act 2003, Cross Heading: Summary reviews in serious cases of crime or disorder is up to date with all changes known to be in force on or before 18 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, the time the appeal is disposed of.

[ Section 53D makes provision about the application and review of any interim steps that <sup>F14</sup>(12) have been taken under section 53B in relation to a premises licence before a decision under this section comes into effect in relation to the licence.]]

#### Textual Amendments

- F7** Word in s. 53C(2)(a) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 137(3)(a), 183(1)(5)(e) (with s. 137(8)); S.I. 2017/399, reg. 3(c)
- F8** Word in s. 53C(2)(b) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 109(13), 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F9** Word in s. 53C(2)(b) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 137(3)(b), 183(1)(5)(e) (with s. 137(8)); S.I. 2017/399, reg. 3(c)
- F10** S. 53C(2)(c) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 137(3)(c), 183(1)(5)(e) (with s. 137(8)); S.I. 2017/399, reg. 3(c)
- F11** Words in s. 53C(5) substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, Sch. 7 Pt. 5 para. 36; S.I. 2010/125, art. 2(t)
- F12** Words in s. 53C(8)(a) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 106(5)(a), 157(1) (with s. 106(7)); S.I. 2012/1129, art. 2(d)
- F13** Words in s. 53C(8)(c) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 106(5)(b), 157(1) (with s. 106(7)); S.I. 2012/1129, art. 2(d)
- F14** S. 53C(12) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 137(4), 183(1)(5)(e) (with s. 137(8)); S.I. 2017/399, reg. 3(c)

#### [<sup>F15</sup>53D Interim steps pending section 53C decision coming into effect

- (1) At the hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.
- (2) In conducting the review under this section, the relevant licensing authority must—
  - (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
  - (b) consider any relevant representations; and
  - (c) determine whether to withdraw or modify the interim steps taken.
- (3) The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (4) Any interim steps taken under subsection (3) apply until—

---

*Changes to legislation: Licensing Act 2003, Cross Heading: Summary reviews in serious cases of crime or disorder is up to date with all changes known to be in force on or before 18 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) the end of the period given for appealing against a decision made under section 53C,
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).
- (5) Any interim steps taken under section 53B in relation to a premises licence cease to have effect when the decision made under section 53C comes into effect.
- (6) In subsection (2) “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (7).
- (7) The requirements are—
- (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (9) A decision under this section may be appealed (see paragraph 8B of Part 1 of Schedule 5 (appeals: premises licences)).]

---

**Textual Amendments**

- F15** S. 53D inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 137(5), 183(1)(5)(e) (with s. 137(8)); S.I. 2017/399, reg. 3(c)



**Changes to legislation:**

Licensing Act 2003, Cross Heading: Summary reviews in serious cases of crime or disorder is up to date with all changes known to be in force on or before 18 October 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)

This page is intentionally left blank