

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 2 AUGUST 2024

Present: Cllrs Jill Haynes, Craig Monks and Kate Wheller

Officers present (for all or part of the meeting):

Lara Altree (Senior Lawyer - Regulatory), Roy Keepax (Senior Licensing Officer) and John Miles (Democratic Services Officer) and Eleanor Turner (Apprentice Democratic and Elections Services Officer).

Also present: Mr Watts (Agent for the Applicant), Mr Bayraktar (Applicant) and Ms Gatehouse (Dorset Police).

57. Election of Chair and Statement for the Procedure of the Meeting

Proposed by Cllr Jill Haynes, seconded by Cllr Kate Wheller.

Decision: that Cllr Craig Monks be elected Chair for the duration of the meeting.

58. Apologies

Apologies for absence were received from Cllrs Sarah Williams and Cathy Lugg, substituted by Cllrs Jill Haynes and Kate Wheller.

59. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

60. Urgent items

There were no urgent items.

61. Premises Licence Variation Application for Seaside Pizza and Kebab's, Weymouth

The Senior Licensing Officer introduced the report. The application was to vary the premises licence to have late night refreshment indoors and outdoors. Monday to Sunday 12 to 05.00 hours, supply of alcohol on and off the premises Monday to Sunday 12 to 05.00 hours. Dorset Police had submitted a representation as they were concerned about proposed opening and delivery hours, the variety of alcohol to be sold and how it would be sold along with late night refreshment and undermining the licensing objective of the prevention of crime and disorder. The conditions requested by Dorset Police were to ensure that the sale of alcohol was linked to the sale of a takeaway for delivery, that strong alcohol was not to be sold,

no alcohol to be displayed in the premises, that measures were taken to ensure that deliveries were to a verified residential or business address and that one door supervisor after midnight at the premises. The applicant agreed to most of the conditions suggested. But did not agree with alcohol only being sold with a takeaway meal, door staff and the restriction on the type of alcohol which could be sold.

The Agent for the Applicant, Mr Watts presented his case to the Sub-Committee. He informed that the Applicant was agreeable to a terminal hour of 02:00 with deliveries to 03:00 hours. The Applicant had agreed not to sell higher strength alcohol or more than four cans of beer, larger or cider. But was concerned about selling half bottles of wine which were difficult to source. He added that the premises would have a different clientele to venues in the Town Centre and therefore would operate differently. He did not believe that a person who had been drinking in town would walk to the premises to buy a kebab. He made the committee aware that customers would mainly come from Lodmoor Hill area and purchase a takeaway with some alcohol to have at home. He stated that there would not be an issue with street drinking as alcohol could only be purchased with food and no alcohol would be visible to the public within the shop.

Kirsty Gatehouse on behalf of Dorset Police addressed the Sub-Committee. She highlighted that the police were concerned about the type of alcohol that would be sold. She referenced anti-social behaviour issues concentrated around Weymouth Town Centre late at night. She recognised that the premises was outside the town and not in the cumulative impact zone, but it was not far from the town centre. Dorset Police wanted the premises to sell alcohol with a takeaway only by delivery to prevent street drinking, to stop people entering the takeaway and buying large amounts of alcohol. Similar conditions had been applied to comparable venues. To prevent alcohol being consumed on a bench or open space and instead delivered to a verified address. Delivery drivers would wear cameras and verify the sale of alcohol to ensure the customer was at a legal drinking age. She raised that Dorset Police was concerned that the applicant was not willing to agree to the restrictions.

All parties were given the opportunity to have their say and sum up.

Decision

To VARY the Premises Licence to add the sale of alcohol (off sales) and to extend the hours during which late night refreshment may be provided as follows:

Late night refreshment (indoors & outdoors)

Monday to Sunday 23:00-02:00 hours

Supply of alcohol (off the premises)

Monday to Sunday 12:00-02:00 hours

To add new conditions as follows:

1. Alcohol shall only be sold and supplied via delivery and must be ancillary to a takeaway meal.
2. No alcohol will be displayed or available for purchase within the shop.

3. All sales of alcohol for consumption off the Premises shall be in sealed containers only and shall not be consumed on the Premises.
4. The maximum amount of alcohol permitted to accompany a substantial meal is 4 cans of beer, lager or cider OR one 375ml (half) bottle of wine OR one 20cl bottle of spirits OR 4 cans of pre-mixed spirit drinks or cocktails.
5. No beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the Premises.
6. Challenge 25 shall be operated at the Premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, or holographically marked PASS scheme identification cards.
7. Appropriate signage advising customers of the Challenge 25 policy shall be prominently displayed in the Premises. When delivery orders are placed, customers will also be made aware of the age verification policy of the premises.
8. If the recipient of a delivery containing alcohol appears to be under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over.
9. Deliveries shall be made by a reputable company operating in the area. Where the company directly employ a delivery driver, they shall provide a delivery policy and training to their employee.
10. All persons making deliveries shall be instructed to report to the holder of the licence or the Designated Premises Supervisor any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the Premises.
11. The refusals log should include the date and time of the refused sale and the name of the member of staff/delivery driver who refused the sale.
12. The record shall be checked by the Designated Premises Supervisor or the manager in charge of the Premises at least once a week and shall be signed to that effect. This refusals record shall be kept on the premises and shall be available for inspection by the Police or an authorised officer of the Council at all times whilst the Premises is open.
13. Alcohol deliveries shall only be made to a bona fide residential or business address. Deliveries shall be handed to the purchaser who is inside that address and no deliveries shall be made to outside areas or open spaces.
14. A Closed-Circuit Television (CCTV) system will be operational at the Premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system will contain the correct time and date stamp information and will have sufficient storage retention capacity for a minimum of 31 days of continuous footage. Weekly checks will be made and documented to ensure the system is functioning as required and all details are correct, including the time and date shown.
15. CCTV shall be downloaded on request of the Police or authorised officer of the Council.

16. Body worn video cameras shall be worn by all delivery drivers and will record all delivery transactions at the point of the delivery being made. This will include any age verification checks that take place.
 17. A staff member who is conversant with the operation of the CCTV system will be on the Premises at all times when the Premises is open to the public.
 18. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the Premises.
 19. All staff involved in the sale and/or delivery of alcohol shall receive training on the Licensing Objectives, the law relating to prohibited sales, the age verification policy adopted by the Premises and the conditions attached to the Premises Licence. Refresher training shall be provided at least once every six months. A record shall be maintained of all staff training and that record shall be signed and dated by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers.
 20. The Designated Premises Supervisor will ensure that an incident report register is maintained on the Premises to record incidents such as anti-social behaviour. The incident report register will be kept on the Premises and produced for inspection immediately on the request of an authorised officer or Police. The register will be checked and signed on a weekly basis by management.
 21. At least one SIA registered door supervisor shall be deployed at the Premises to work exclusively in a security capacity from midnight until the Premises closes to the public on each day when licensable activities are taking place. A written log shall be maintained recording the name of any door supervisor deployed and their full 16 digit SIA badge number. It shall also detail the time they commence and end their duty along with any incidents they deal with, including the outcome.
 22. In addition, the holder of the Premises Licence shall undertake a written risk assessment to determine whether additional door supervisors are required to be deployed at the Premises on any other occasion.
 23. A copy of the risk assessment shall be available for inspection by the Police on request and it shall be reviewed at least once every twelve months or at the request of the Police or following any incident of violence or disorder that occurs at the premises.
1. No food shall be handed to a delivery driver for delivery after 02:00 hours.

The Premises Licence as varied will therefore read as follows:

Late night refreshment (indoors & outdoors)

Monday to Sunday 23:00-02:00 hours

Supply of alcohol (off the premises)

Monday to Sunday 12:00-02:00 hours

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The holder of the Premises Licence will ensure that:

(a)

prominent and clear notices / instructions are displayed at all relevant exit points instructing customers / staff to respect the needs of local residents and not to cause unnecessary noise when they leave the Premises.

(b)

public address announcements are made instructing customers / staff not to cause unnecessary noise when they leave the Premises.

Conditions Added by the Sub-Committee at a hearing

1. Alcohol shall only be sold and supplied via delivery and must be ancillary to a takeaway meal.
2. No alcohol will be displayed or available for purchase within the shop.
3. All sales of alcohol for consumption off the Premises shall be in sealed containers only and shall not be consumed on the Premises.
4. The maximum amount of alcohol permitted to accompany a substantial meal is 4 cans of beer, lager or cider OR one 375ml (half) bottle of wine OR one 20cl bottle of spirits OR 4 cans of pre-mixed spirit drinks or cocktails.
5. No beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the Premises.
6. Challenge 25 shall be operated at the Premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, or holographically marked PASS scheme identification cards.
7. Appropriate signage advising customers of the Challenge 25 policy shall be prominently displayed in the Premises. When delivery orders are placed, customers will also be made aware of the age verification policy of the premises.
8. If the recipient of a delivery containing alcohol appears to be under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over.
9. Deliveries shall be made by a reputable company operating in the area. Where the company directly employ a delivery driver, they shall provide a delivery policy and training to their employee.
10. All persons making deliveries shall be instructed to report to the holder of the licence or the Designated Premises Supervisor any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the Premises.
11. The refusals log should include the date and time of the refused sale and the name of the member of staff/delivery driver who refused the sale.

12. The record shall be checked by the Designated Premises Supervisor or the manager in charge of the Premises at least once a week and shall be signed to that effect. This refusals record shall be kept on the premises and shall be available for inspection by the Police or an authorised officer of the Council at all times whilst the Premises is open.
13. Alcohol deliveries shall only be made to a bona fide residential or business address. Deliveries shall be handed to the purchaser who is inside that address and no deliveries shall be made to outside areas or open spaces.
14. A Closed-Circuit Television (CCTV) system will be operational at the Premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system will contain the correct time and date stamp information and will have sufficient storage retention capacity for a minimum of 31 days of continuous footage. Weekly checks will be made and documented to ensure the system is functioning as required and all details are correct, including the time and date shown.
15. CCTV shall be downloaded on request of the Police or authorised officer of the Council.
16. Body worn video cameras shall be worn by all delivery drivers and will record all delivery transactions at the point of the delivery being made. This will include any age verification checks that take place.
17. A staff member who is conversant with the operation of the CCTV system will be on the Premises at all times when the Premises is open to the public.
18. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the Premises.
19. All staff involved in the sale and/or delivery of alcohol shall receive training on the Licensing Objectives, the law relating to prohibited sales, the age verification policy adopted by the Premises and the conditions attached to the Premises Licence. Refresher training shall be provided at least once every six months. A record shall be maintained of all staff training and that record shall be signed and dated by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers.
20. The Designated Premises Supervisor will ensure that an incident report register is maintained on the Premises to record incidents such as anti-social behaviour. The incident report register will be kept on the Premises and produced for inspection immediately on the request of an authorised officer or Police. The register will be checked and signed on a weekly basis by management.
21. At least one SIA registered door supervisor shall be deployed at the Premises to work exclusively in a security capacity from midnight until the Premises closes to the public on each day when licensable activities are taking place. A written log shall be maintained recording the name of any door supervisor deployed and their full 16 digit SIA badge number. It shall also detail the time they commence and end their duty along with any incidents they deal with, including the outcome.
22. In addition, the holder of the Premises Licence shall undertake a written risk assessment to determine whether additional door supervisors are required to be deployed at the Premises on any other occasion.

23. A copy of the risk assessment shall be available for inspection by the Police on request and it shall be reviewed at least once every twelve months or at the request of the Police or following any incident of violence or disorder that occurs at the premises.

24. No food shall be handed to a delivery driver for delivery after 02:00 hours.

62. Exempt Business

There was no exempt business.

Duration of meeting: 13:30 – 14:30 PM

Chairman

.....