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Licensing Sub-Committee

Date:Friday, 2 August 2024Time:1.30 pmVenue:Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)

Jill Haynes, Craig Monks and Kate Wheller

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224877 john.miles@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

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Pages

1.ELECTION OF CHAIR AND STATEMENT FOR THE PROCEDURE3 - 6OF THE MEETING

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

2. APOLOGIES

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

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. PREMISES LICENCE VARIATION APPLICATION FOR SEASIDE 7 - 52 PIZZA AND KEBAB'S, WEYMOUTH

An application has been made for a variation of a premises licence at Seaside Pizza and Kebab's, 113a Dorchester Road, Weymouth, DT4 7JY. The application has been advertised in accordance with the regulations and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

6. EXEMPT BUSINESS

There are no exempt items scheduled for this meeting.

Agenda Item 1



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. The Chairman will:
 - advise when the sub-committee's decision will be confirmed in writing.
 - 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 subcommittee 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.

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Agenda Item 5

Licensing Sub Committee 2 August 2024 Premises licence variation application for Seaside Pizza and Kebab's, Weymouth

For Decision

Cabinet Member and Portfolio: Cllr G Taylor, Health and Housing

Local Councillor(s): Cllr Bown and Cllr Bell

Executive Director: Jan Britton, Executive Lead for Place

Report Author: Roy Keepax Job Title: Senior Licensing Officer Tel: 01305 830828 Email: roy.keepax@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a variation of a premises licence at Seaside Pizza and Kebab's, 113a Dorchester Road, Weymouth, DT4 7JY. The application has been advertised in accordance with the regulations and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

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

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

1. Report

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:

 (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 1.2 All applications and decisions are made with due regard to the <u>Licensing Act 2003 (the Act), the Revised Guidance issued under</u> <u>Section 182 of the Licensing Act 2003</u> (the Guidance) and the <u>Dorset</u> <u>Council Statement of Licensing Policy</u> (the Policy).

2. **Details of the application**

- 2.1 An application has been made for a variation of a premises licence for Seaside Pizza and Kebab's, 113a Dorchester Road, Weymouth, and has been submitted to the Licensing Authority by Mahir Bayraktar. The application can be found at Appendix 1.
- 2.2 The description of the variation within the application form is:

"For the supply alcohol for consumption off the premises".

2.4 The licence currently has:

Late night refreshment ((indoors)
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Sunday to Thursday	23:00-00:00 hours
Friday and Saturday	23:00-01:00 hours

2.5 The application is to vary the licence to have:

Late night refreshment	(indoors & outdoors)
Monday to Sunday	12:00-05:00 hours

Supply of alcohol (on & off the premises)Monday to Sunday12:00-05:00 hours

2.6 The operating schedule contains the steps which the applicant will take to promote the licensing objectives. These would need to be converted into enforceable conditions on a licence if it is granted and would include:

CCTV will be installed within the premises and be operational at all times the premises are open to the public. Images will be of an evidential quality and cover all internal areas of the premises, including all entrances/exits.

CCTV recordings will be retained for a minimum of 31 days and made available in a viewable format to any responsible authority upon request.

A member of staff who is trained in the operation of the CCTV system will be available at all times.

All members of staff engaged in the provision of licensable activities must receive training regarding:-

- The licensing objectives contained in the Licensing Act 2003
- Responsible retailing of alcohol, and the law
- Protection of children from harm and this must include how to competently check customers identification where necessary
- Authorised hours for licensable activities and the conditions attached to the premises licence

All training provided to relevant staff will be recorded and each member of staff will sign and date the training records. Records to be made available to any Responsible Authority upon request.

No member of staff will be permitted to supply alcohol prior to receiving the relevant training.

Incident and refusal logs will be maintained at the premises and data made available to any of the responsible authorities upon request.

The premises will operate a challenge 25 scheme. All acceptable identification will be

photographic such as a photo driving licence, passport or PASS accredited proof of age card, etc.

All drinks will be stocked at the back of the counter and out of sight.

Delivery driver will have a body CCTV, The system will be capable of continuously recording during the delivery, and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

The store will have a till prompt system for alcohol products. When prompted, staff will adopt a Challenge 25 proof of age scheme.

Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.

Notices are to be prominently displayed advising customers of the Challenge 25 policy.

3 **Responsible Authorities**

- 3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.
- 3.2 Dorset Police submitted a letter of representation against the application. The representation can be found at Appendix 2. The representation states that the Police are concerned around the opening and delivery hours proposed, the variety of alcohol they wish to sell and how they will sell the alcohol along with late night refreshment. The applicant did not respond to

the proposed conditions that the Police put forward to address the issues within the consultation period.

- 3.3 The Police have since contacted the applicant and requested several conditions and a possible amendment to the times. The applicant sent an email response to query the request for security and also stated that they accept the 'other' details sent via email. The Licensing Authority wrote to the applicant for further details of what had been agreed. Emails from the Police, the applicant and email from the Licensing Authority can be found at Appendix 3.
- 3.4 Dorset Council Planning also made a comment regarding planning conditions on the premises, but no objection was made to the application. The comments can be found at Appendix 4.
- 3.4 Dorset Council Licensing, Environmental Protection, Children's Services, Public Health, Dorset & Wiltshire Fire and Rescue Service, Trading Standards and Dorset Council Health and Safety and the Immigration Authority have not made any representations.

4 Representations from other persons

4.1 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of "other persons":

"As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

4.2 The Guidance states at paragraph 9.4 what a "relevant" representation is;

"A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives."

4.3 There were 2 relevant representations received, one from a member of the public relating to the licensing objectives of the Prevention of Crime and Disorder, and the Prevention of Public Nuisance due to noise in the early hours of the morning and increased litter. Weymouth Town Council made a comment but were waiting for information regarding the operating schedule, this has now been sent to the Town Council. No further comments have been received from the Town Council at the time of writing the report. The representation from the member of the public and the comments from the Town Council can be found at Appendix 5A.

5. Relevant Sections of the Licensing Act 2003

5.1 Section 4 sets out the general duties of the Licensing Authority;

(1) A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.

- (2) The licensing objectives are:
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

(3) In carrying out its licensing functions, a licensing authority must also have regard to:

(a) its licensing statement published under section 5, and

(b) any guidance issued by the Secretary of State under section 182.

6 Relevant Sections of the Statutory Guidance issued under Section 182

6.1 Paragraphs 1.2, 1.4 and 1.5 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in December 2023 (The Guidance) sets out the Licensing Objectives and aims;

> The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.
- 6.2. Paragraph 1.16 of the Guidance sets out how conditions should be formulated;

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.
- 6.3. Paragraph 1.19 states;

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

6.4 Paragraphs 9.42 – 9.44 of the Guidance set out how the Licensing Authority will determine an application;

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

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

7 Options

- 7.1 The Sub-Committee will determine the application in the light of all of the written representations and any oral evidence from the hearing. They will 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

The steps that the Sub-Committee may take are:

- a. modify the conditions of the licence, or
- b. reject the whole or part of the variation.

6 Financial Implications

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

- 7 **Natural Environment, Climate & Ecology Implications** The Council is under a general duty to consider the impact any decision will have on the Natural Environment, Climate and local ecology.
- 8 Well-being and Health Implications None.
- 9 **Other Implications** None.

10 Risk Assessment

10.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low Residual Risk: Low

11 Equalities Impact Assessment Not applicable

12 Appendices

Appendix 1 – Variation Application Appendix 2 – Representation from Police Appendix 3 – Agreement of Conditions and clarification Appendix 4 – Comment from Planning Appendix 5 – Representations from interested parties

13 Background Papers

Licensing Act 2003 Home Office Guidance issued under Section 182 of the Licensing Act 2003 Dorset Council Statement of Licensing Policy 2021



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Mahir Bayraktar

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number WPPLS0013

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 113A Dorchester Road					
Post town	Weymouth			Postcode	DT47JY
Telephone n	Telephone number at premises (if any)				

£

Part 2 – Applicant details

Non-domestic rateable value of premises

Daytime contact telephone number		
E-mail address (optional)		
Current postal address if different from premises address		
Post town	Postcode	

Part 3 - Variation

Please tick as appropriate		
Do you want the proposed variation to have effect as soon as possible?	X _ Yes	🗌 No
	N 4N 4	

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1) For the supply alcohol for consumption off the premises		

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Pro	vision of regulated entertainment	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
<u>Pro</u>	vision of late night refreshment (if ticking yes, fill in box I)	x □
<u>Sale</u>	e by retail of alcohol (if ticking yes, fill in box J)	X
In a	II cases complete boxes K. I. and M	

In all cases complete boxes K, L and M

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timings	Plays Standard days and imings (please read guidance note 6)		<u>Will the performance of a play take place indoors</u> <u>or outdoors or both – please tick</u> (please read guidance note 2)	Indoors Outdoors	
-	-				
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ince note 3)	
Tue					
Wed			State any seasonal variations for performing plays guidance note 4)	(please read	
Thur					
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Thur					
Fri			Non standard timings. Where you intend to use th exhibition of films at different times to those listed in the left, please list (please read guidance note 5)		
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Sun					

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Indoor sporting events Standard days and timings (please read guidance note 6)		nd ead	Please give further details (please read guidance note 3)
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Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
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Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
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Live music Standard days and timings (please read guidance note 6)		ead	Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors Outdoors	
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Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
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Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
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Performances of dance Standard days and			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
	s (please r ice note 6)			Outdoors		
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				Both	
Tue			Please give further details here (please read gui	idance note 3)	
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
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Late night refreshment Standard days and timings (please read		Ind	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)Indoors		
	guidance note 6)			Outdoors	
Day	Start	Finish		Both	X
Mon	12:00	05:00	Please give further details here (please read gu Refreshment is for takeaway and delivery or		
			consumption not on premises		
Tue	12:00	05:00			
Wed	12:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	12:00	05:00			
Fri	12:00	05:00	Non standard timings. Where you intend to us the provision of late night refreshment at differ		s for
			those listed in the column on the left, please list		
Sat	12:00	05:00	guidance note 5)		
Sun	12:00	05:00			

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Supply of alcohol Standard days and timings (please read guidance note 6)		ind read	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises Off the premises	
Day	Start	Finish		Both	
Mon	12:00	05:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		se
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Sun	12:00	05:00			

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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8). NONE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)		olic nd read	<u>State any seasonal variations</u> (please read guidance note 4) Premises open to the public to purchase refreshments and alcohol for takeaway only.
Day	Start	Finish	
Mon	12:00	05:00	
Tue	12:00	05:00	
Wed	12:00	05:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the
Thur	12:00	05:00	<u>column on the left, please list</u> (please read guidance note 5)
Fri	12:00	05:00	
Sat	12:00	05:00	
Sun	12:00	05:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Μ

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

CCTV will be installed within the premises and be operational at all times the premises are open

to the public. Images will be of an evidential quality and cover all internal areas of the premises, including all entrances/exits.

CCTV recordings will be retained for a minimum of 31 days and made available in a viewable format to any responsible authority upon request.

A member of staff who is trained in the operation of the CCTV system will be available at all times.

All members of staff engaged in the provision of licensable activities must receive training regarding:-

• The licensing objectives contained in the Licensing Act 2003

• Responsible retailing of alcohol, and the law

• Protection of children from harm and this must include how to competently check customers identification where necessary

• Authorised hours for licensable activities and the conditions attached to the premises licence All training provided to relevant staff will be recorded and each member of staff will sign and date the training records. Records to be made available to any Responsible Authority upon request. No member of staff will be permitted to supply alcohol prior to receiving the relevant training. Incident and refusal logs will be maintained at the premises and data made available to any of the

responsible authorities upon request.

The premises will operate a challenge 25 scheme. All acceptable identification will be photographic such as a photo driving licence, passport or PASS accredited proof of age card, etc.

b) The prevention of crime and disorder

A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

All drinks will be stocked at the back of the counter and out of sight.

Delivery driver will be have a body CCTV, The system will

be capable of continuously recording during the delivery , and copies of such recordings shall be kept for a

period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

c) Public safety

The premise licence holder seeks to comply with the requirements of the health and safety legislation.

d) The prevention of public nuisance

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

e) The protection of children from harm

The store will have a till prompt system for alcohol products. When prompted, staff will adopt a Challenge 25 proof of age scheme. Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale. Notices are to be prominently displayed advising customers of the Challenge 25 policy.

Checklist:

Please tick to indicate agreement

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- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

	ne (where not previe plication (please rea	usly given) and address for corresponden d guidance note 13)	ce associated			
Post town		Post code				
Telephone number (if any)						
If you would	I prefer us to corres	oond with you by e-mail, your e-mail addre	ss (optional)			

The council has a duty to protect the public funds it administers, and to do this may use the information you have provided on this form to prevent and detect fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Where appropriate, and as part of its commitment to improving customer service, the council may also share the information provided on this form with other council services. For more information, see http://www.dorsetforyou.com/fraud or contact Finance Manager on 1305 252292.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.

- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

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Licensing

From:	
Sent:	15 July 2024 17:54
То:	Licensing
Cc:	Licensing
Subject:	Variation Application - Seaside Pizza & Kebabs, 113a Dorchester Road, Weymouth
Categories:	

Good afternoon

On behalf of the Chief Officer of Police, I wish to object to the Premises Licence Variation Application for Seaside Pizza & Kebabs, Dorchester Road, Weymouth. This is on the grounds that to permit this application is likely to undermine the licensing objective to prevent crime and disorder.

Dorset Police have tried to contact the agent acting on behalf of the applicant to mediate conditions that will satisfy us that the licensing objectives will not be undermined, but no response has been made to our most recent correspondence. Specifically, Dorset Police are concerned around the opening and delivery hours proposed, the variety of alcohol they wish to sell and how they will sell the alcohol along with the late night refreshment. We need to ensure that the licensing objectives will be upheld and will not result in an increase in demand for our services and so far, our proposal of conditions to try to mitigate this has not been agreed to.

Many thanks



Drug and Alcohol Harm Reduction Team Weymouth Police Station, Radipole Lane, DT4 9WW

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For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

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Licensing

From:	Licensing
Sent: To:	23 July 2024 10:11
Subject:	RE: Licensing Application - Seaside Pizza & Kebab
Importance:	High

Good Morning,

I am trying to write the report for the committee hearing for your variation and I need you to clarify what conditions and amendments have been agreed with from the police.

Below is what I think has been agreed to, can you confirm that this is what you have agreed to,

Amendments:

• Amendments to the finishing hour from 5am to 2am on both activities, Late Night Refreshment and Supply of Alcohol

Conditions:

- Alcohol shall only be sold and supplied via delivery and must be ancillary to a takeaway meal.
- No alcohol will be displayed or available for purchase within the shop.
- All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
- 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.
- No beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 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.
- Appropriate signage advising customers of the 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.
- 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.
- 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.
- All persons making deliveries shall be instructed to report to the holder of the licence or the DPS 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.
- 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.
- The record shall be checked by the DPS 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.

- 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.
- 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.
- CCTV shall be downloaded on request of the Police or authorised officer of the council.
- 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.
- 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.
- Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 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.
- The DPS 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.

From what I have read the only conditions not agreed to is the conditions that relate to the requirement of security door staff and any condition that relates to door staff.

If you can reply to this email as soon as you can then I can make it clear to the councillors which conditions you have agreed to.

Kind regards

Senior Licensing Officer Place Services Dorset Council

01305 838028 dorsetcouncil.gov.uk





Licensing

From:	
Sent:	16 July 2024 17:39
То:	Licensing
Subject:	Re: Objection to variation application to Seaside Pizza
Categories:	

Dear

Thank you for your email informing me of the latest update to the application.

There were no objections to the agreement set out but clarification required on minor points, especially the change of late night sale of refreshments which the premises has been supplying until 1.30am for over 10 years. As it will now go to a Licensing Sub Committee Hearing it will be requested to continue doing hot refreshments until 1am Sunday to Thursday and 2am Friday and Saturday without security as this premises has been doing so for over 10 years without any formal objections or police intervention.

All other details set out within the requested agreement you sent via email are completely acceptable. I hope this will be recognised at the hearing.

Please inform me if there are any more updates or changes.

Many thanks

From:

To:

Sent: Friday, July 12, 2024 3:40 PM

Subject: RE: Premises Licence Variation - Seaside Pizza & Kebab, 113a Dorchester Road, Weymouth

Good afternoon,

Thank you for getting back to me. To clarify the points you have raised:

"No alcohol will be displayed or available for purchase within shop." This is contradicted by other restrictions to sales within the shop including SIA registered door supervisor in a security capacity when licensable activities are taking place between 12am-2pm.

Licensable activities are anything under the Licensing Act 2003 and include the late night refreshment, hence it being included in your variation. As I explained when we met, I would raise the concern with the local Neighbourhood Team and they still felt it appropriate to request door staff even if alcohol would not be available for purchase directly from the premises. You suggested that you would just be locking the door anyway at midnight to avoid having to employ door supervision, but like I said during our discussion, I would still need to include it as a condition for the occasions when you may wish to keep the doors open to people later than midnight.

"Maximum amount of alcohol permitted to accompany a substantial meal." Does this mean the limit to each individual delivery or can order for more than one person can be adjusted to quantity per meal serving? Also how is a substantial meal determined?

Yes, this is the maximum amount per delivery, not per person. A substantial meal would be classed as anything ordered that is not only a side order, dessert or kid's menu item.

I hope this confirms things for you, but should you have any further questions, please do not hesitate to get in contact.

Many thanks

1



Drug and Alcohol Harm Reduction Team

Weymouth Police Station, Radipole Lane, DT4 9WW



Good affternoon

Thank you for the proposed conditions for Premises Licence. Unfortunately, we would like to clarify some points before agreeing.

"No alcohol will be displayed or available for purchase within shop." This is contradicted by other restrictions to sales within the shop including SIA registered door supervisor in a security capacity when licensable activities are taking place between 12am-2pm.

"Maximum amount of alcohol permitted to accompany a substantial meal." Does this mean the limit to each

individual delivery or can order for more than one person can be adjusted to quantity per meal serving? Also how is

a substantial meal determined?

Agreement to the amendments and conditions are preliminary agreed upon clarification and understanding to above detailed points.

I look forward to hearing from you soon.

Many Thanks

Good afternoon

Thank you again for meeting with me yesterday afternoon. Following our discussion and after speaking with colleagues and the local Neighbourhood Policing Team, I would like to propose the following:

Page 43

- The supply of alcohol is brought back until **0200hrs** Monday Sunday instead of the 0500hrs you applied for
- The late night refreshment is brought back until 0200hrs Monday Sunday instead of the 0500hrs you
 applied for

I would also like the following conditions applied to the Premises Licence should it be granted:

- Alcohol shall only be sold and supplied via delivery and must be ancillary to a takeaway meal.
- No alcohol will be displayed or available for purchase within the shop.
- All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
- 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.
- No beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- 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.
- Appropriate signage advising customers of the 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.
- 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.
- 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.
- All persons making deliveries shall be instructed to report to the holder of the licence or the DPS 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.
- 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.
- The record shall be checked by the DPS 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.
- 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.
- 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.
- CCTV shall be downloaded on request of the Police or authorised officer of the council.
- 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.
- 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.
- Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 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 Page 44

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.

- The DPS 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.
- 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.
- 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.
- 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.

If you are in agreement with all of the above, we have no objection from a Police perspective to your variation. I would be grateful if you could please reply to this email confirming your understanding and acceptance of these amendments and conditions so that I can forward them on to the Licensing Authority. If however you have any questions or wish to discuss any of the above further, please do not hesitate to contact me. I am aware that you are soon going away, so email will be the easiest form of communication whilst you are abroad. If I do not hear anything further from you before 15th July, I will unfortunately need to object to this variation unless appropriate conditions can be agreed.

I look forward to hearing from you.

Many thanks



Drug and Alcohol Harm Reduction Team

Weymouth Police Station, Radipole Lane, DT4 9WW

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Planning Services
County Hall, Colliton Park
Dorchester, Dorset, DT1 1XJ
01305 838336- Development Management
01305 224289- Minerals & Waste
www.dorsetcouncil.gov.uk

Date:	20 June 2024
Ref:	P/CONS/2024/00096
Team:	Western and Southern
Case Officer:	
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\bowtie	@dorsetcouncil.gov.uk

Dea

County Hall Colliton Park Dorchester DT1 1XJ

Application No: P/CONS/2024/00096

Location: Seaside Pizza & Kebab 113A Dorchester Road Weymouth DT4 7JY

Proposal: Variation application for premises licence. Variation is to add alcohol as off sales to the current late night refreshment licence.

I refer to the above mentioned premises licence notification.

Planning permission was granted for the "change of use of shop to Class A3 takeaway" back on 15th Dec 1998 (ref 98/00521/COU).

The planning permission was subject to two regulatory conditions which are listed below:

The use hereby authorised shall be restricted to preparation and sale of pizza and pasta products only and for no other types of hot food within Use Class A3 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

Reason: To accord with the terms of the application and in the interest of the amenities of the residents in the locality.

The premises shall not be open to the public other than between the hours of 0900 and 2300 Sunday to Thursday and 0900 to 2330 Friday and Saturday.

Reason: In order to prevent late night noise and disturbance.

While there are no planning objections to the premises licence variation as applied for, re alcohol as off sales, any changes arising from the above conditions will need to be the subject of a variation of condition planning application. Please make the

Planning Service privacy notice can be found at: <u>www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/service-privacy-</u> <u>notices/planning.aspx</u> Page 47 applicant aware.

Yours sincerely

Senior Planning Officer

From:	
Sent:	14 July 2024 16:08
То:	<u>Licensing</u>
Subject:	Seaside Pizza and Kebab Dorchester Road Weymouth

Categories:



Dear Licensing Department,

I understand the above takeaway has applied for license extension to stay open until 5am. I live close by and would like to object to this application.

The premises are in a suburban area, not the town centre and will bring unnecessary traffic to this area in the early hours. There is already enough litter on the streets around Lodmoor Hill from food outlets and an extended opening period would only exacerbate this.

Also there are 3 other takeaway outlets less than 50 metres from Seaside Pizza and Kebab and this could be the thin end of the wedge and encourage the others to make similar applications.

Most of people wishing to find food in the early hours will be returning from nightclubs and bars in the town centre so late opening food outlets should be confined to that area if deemed necessary.

Yours faithfully





Dear thank you for your e-mail regarding the variation for Seaside Pizza and Kebab, for your information, Dorset Police are currently corresponding with the applicants in relation to additional conditions – once I have these, I will forward on to you so that you can let the Committee know.

Many thanks

Senior Licensing Officer Place Services Dorset Council

01305 838028 dorsetcouncil.gov.uk Lines are open: Mon – Thurs, 9am-12pm & 2pm-5pm Fridays - 9am-12pm & 2pm-4.30pm





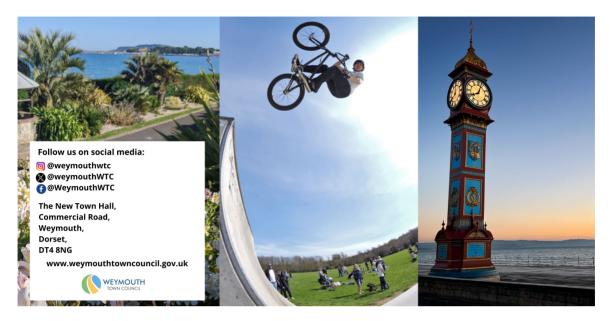
From: Sent: Friday, July 12, 2024 11:19 AM To: Subject: Licensing Application - Seaside Pizza & Kebab

Dear Licensing Team

With regards to the above licensing application, the applicant has not completed Section M of the application form which relates to the four licensing objectives. Therefore, Weymouth Town Council is unable to comment on the application currently as it is unknown how the applicant will address any potential issues relating to the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

Kind regards

Civic & Democratic Officer Email: *My working hours are generally Monday – Thursday 8.00 am until 4.00 pm, and Friday 8.30 am until 4.00 pm.*



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