

# Licensing Sub-Committee

## 23 April 2020

### New Premises Licence Application for Leo Leisure, Weymouth

## For Decision

**Portfolio Holder:** Cllr J Haynes, 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 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. Executive Summary

An application has been made for a new premises licence for Leo Leisure in Weymouth. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

## **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. Climate implications**

None

## **4. Other Implications**

Public Health and Community Safety

## **5. Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

Not Applicable

## **7. Appendices**

Appendix 1 – Application

Appendix 2 – Conditions consistent with the Operating Schedule

Appendix 3 – Representations

Appendix 4 – Responses to Representations

Appendix 5 – Town Council Correspondence

## **8. Background Papers**

[Licensing Act](#)

[Live Music Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

[LGA Councillors Handbook](#)

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

## **9. Details**

9.1. Brown Leisure Limited have applied for a new premises licence for the former Buzz Bingo premises which is to be known as Leo Leisure at 18 Crescent Street in Weymouth. The previous licence for Buzz Bingo was surrendered in September 2020.

9.2. The description of the premises within the application form is that: -

“The premises have been traded as a Bingo Club, as Buzz Bingo, for many years. The operating company surrendered both the Premises Licence and the Bingo Premises Licence in September 2020 following a company re-structure. It has been closed since the first lockdown of 2020 and has not re-opened.

Brown Leisure Limited has had experience of operating Bingo clubs, also for many years. The Company, which has clubs in Eastbourne, Eastleigh and Ryde, Isle of Wight, wishes to revive the Bingo club and its ancillary entertainment and applies for licences to enable it to do that.

As with its other clubs, this club’s manager will hold a Personal Licence issued by the Gambling Commission, as well as a Personal Licence issued under the Licensing Act 2003. The club will operate under a membership scheme. Staff will be trained in the necessary aspects of Licensing and Gambling law, and the premises will offer a well-controlled and safe environment.”

The full application for the new premises is attached at appendix 1.

9.3. The application is to permit the on sales of alcohol, live and recorded music, dance and anything similar, indoors only: -

Every day	10:00 to Midnight
New Year’s Eve	10:00 to Midnight on New Year’s Day

With the premises opening hours of 09:00 to 00:30.

9.4. The application also states that there will be occasional strippers on site, at which times entry will be for over 18s only and there will be at least one SIA registered Door Supervisor on duty.

9.5. The application has been advertised on the premises, in a newspaper and the Councils web site.

9.6. The application lists several conditions that would be attached to the licence were it to be granted, these conditions are listed in appendix 2.

9.7. Four representations were initially received objecting to the application, from the Town Council and three members of the public. The Town Council withdrew their representation after the applicant agreed to make changes to the hours in the conditions relating to the emptying of rubbish. The three remaining representations are included in full at appendix 3.

9.8. Following receipt of the representations the applicants solicitor sent out responses which are attached at appendix 4.

9.9. The correspondence relating to the Town Council objection is included at appendix 5.

## **10. Considerations**

10.1. The application falls within the Cumulative Impact Area part of the policy relating to the cumulative policy is attached in full at appendix 4. Paragraphs 7.17 and 7.22 put the onus on the applicant to demonstrate how the new premises will not add to the anti-social behaviour or crime and disorder, and the types of premises that are likely to be considered as such.

“Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.

When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate up to midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.”

10.2. 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."*

- 10.3. The Live Music Act 2012 allows any premises with a licence that allows the consumption of alcohol on the premises to have live amplified music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people. The Legislative Reform (Entertainment Licensing) Order 2014 has amended the Licensing Act so that there is a similar provision for recorded music, and also states that any conditions relating to any of this entertainment would not have any effect between 8am and 11pm. There is a safeguard within the Licensing Act that at a Review hearing the provisions of the Live Music Act could be disapplied.

## **11. Recommendation**

11.1. 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.

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

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

### **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.