

# Licensing Sub-Committee

## 8 June 2021

### Variation for The Cider Shed, Burton Bradstock

#### For Decision

**Portfolio Holder:** Cllr J Haynes, Customer and Community Services

**Local Councillor(s):** Cllr M Roberts

**Executive Director:** J Sellgren, Executive Director of Place

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**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 to vary the licence at The Cider Shed, Bredy Farm, Burton Bradstock. The application has been out to public consultation and attracted 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 – Current Licence

## Appendix 2 – Application

### Appendix 3 – Representations

## **8. Background Papers**

## Licensing Act

## Section 182 Guidance

## LGA Councillors Handbook

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

## 9. Details

- 9.1. Charlie Harris is the holder of the premises licence for The Shed, which is one of three licences on Bredy Farm, Burton Bradstock. The licence currently allows: -

## **Sale of alcohol on and off the premises**

Monday to Sunday 09:00 to 22:30

The current licence is attached at appendix 1.

- 9.2. Mr Harris has applied to vary the area covered by this licence (WDPL0666) to include an area previously licensed under the Parlour Licence (WDPL0769).
- 9.3. The part of the application relating to live music has been withdrawn.
- 9.4. There were originally four representations, but two of them were withdrawn when the live music element of the application was withdrawn.
- 9.5. Two representations remain, one objecting to the variation because of the nuisance from music noise and people leaving the venue and one supporting the application. The representations are attached at appendix 3.

## **10. Considerations**

- 10.1. 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. This regulation also contains the provision 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.
- 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. Chapter 10 of the section 182 Guidance relates to the imposition of conditions on licences and is attached in full at appendix 7. Conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned, they should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. (from the Guidance paragraph 10.10)

## **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 to:

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

### **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.