

Licensing Sub-Committee

12 January 2022

Summary Review of Actors in Weymouth

For Decision

Portfolio Holder: Cllr L Miller, Customer and Community Services

Local Councillor(s): Cllr J Orrell

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendation: The Sub-Committee determines the application from Dorset Police for a summary review due to serious crime at the premises in light of the written and oral evidence and considers what steps are appropriate and proportionate for the promotion of the licensing objective of the prevention of crime and disorder

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

1. Executive Summary

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

2. Financial Implications

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

3. Well-being and Health Implications

None

4. Climate implications

None

5. Other Implications

Public Health and Community Safety

6. Risk Assessment

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

Current Risk: High

Residual Risk: High

7. Equalities Impact Assessment

Not Applicable

8. Appendices

Appendix 1 – Police Certificate and Summary Review Application

Appendix 2 – Decision Notice for Interim Steps

Appendix 3 – Premises Licence

Appendix 4 – Law and Guidance on Summary Reviews

9. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

10. Details of Application

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

11. Licence

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

12. Considerations

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

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

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

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

“9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on

the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.”

13. Recommendation

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

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

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

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

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

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

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

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.