

Licensing Sub-Committee

12 July 2022

Application for a New Premises Licence for part of Weymouth Bay Holiday Park

For Decision

Portfolio Holder: Cllr L Beddow, Culture, Communities and Customer Services

Local Councillor(s): Cllrs L O'Leary and T Ferrari

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: Haven Leisure Limited have applied for a new premises licence to cover an outdoor area. The application has attracted a large number of representations from members of the public and must therefore be considered by a Sub-Committee.

Recommendation: The Sub-Committee must determine the application after considering the written received during the consultation period and the oral evidence given at the hearing and resolve 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. Background

- 1.1 Section 4 of the Licensing Act 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 9.2. All applications and decisions are made with due regard to the [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).
- 1.3 The relationship between planning and licensing is set out in paragraphs 6.2 and 6.3 of the Policy: -

The use of premises for the sale or provision of alcohol, regulated entertainment or late-night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

2. Details of the Application

- 2.1 Haven Leisure Limited has applied for a new premises licence to cover an outdoor stage and a Container Bar at the Weymouth Bay Holiday Park, Preston Road, Weymouth, DT3 6BQ.
- 2.2 The application form and a location plan are attached at **Appendix 1** and include the following description of the premises: -

Outdoor stage and container bar area located within the Weymouth Bay Holiday Park which already holds premises licences for the main complex and supermarkets. The area is shown edged red on drawing 3197.4.01 deposited with the application.

The external stage, which has been orientated away from residential premises, to be used to provide entertainment for holiday makers including

but not limited to film nights, children's entertainment, and live music entertainment limited to vocalists and acoustic sets.

An acoustic report is being prepared and its recommendations will be followed including the siting of a noise limiter. The Regulated Entertainment will only be provided between the Friday which is three weeks before Good Friday to the last day in October each year.

- 2.3 Following consultation between the Licensing Authority and the applicant the plan has been re-submitted with a change to the position of the container bar to move it further away from residents, and the addition of a restricted area for the sale of alcohol. The effect of this is that the relief from conditions allowed by the Live Music Act 2012 will not apply to the entertainment area and the suggested conditions contained in the operating schedule will apply regardless of the size of the audience. The original plan and the amended plan are attached at **Appendix 2**.

- 2.4 The times applied for are:

Regulated entertainment every day between 11:00 and 21:00
Three occasions per week films between 11:00 and 23:00
On and off sales of alcohol every day between 11:00 and 23:00

- 2.5 There is a proposed set of conditions within the operation schedule which have been amended to reflect the correct Council and are attached at **Appendix 3**.
- 2.6 The application has been advertised on the premises in line with the regulations which requires one notice to be placed on the premises. It has also been advertised in a newspaper circulating in the area and on the Council's web site.
- 2.7 The application has been circulated to the following Responsible Authorities: -

Dorset Police
Dorset Fire and Rescue Service
Dorset Council – Public Health (Primary Care Trust)
Dorset Council – Environmental Health (Health and Safety)
Dorset Council – Environmental Protection
Dorset Council – Planning Authority
Dorset Council – Children's Services, Social Care and Health
Dorset Council - Trading Standards
Home Office Immigration Enforcement

3. **Representations**

- 3.1 None of the Responsible Authorities have made representations or commented on the application.

- 3.2 160 representations have been made by people living in the vicinity of the premises. The representations are attached in full at **Appendix 4**. All of the representations relate to nuisance from noise, in addition to the potential frequency of intrusion of the noise references are made to the constant thump of bass and pounding music, the volume of the music, its frequency with many fearing it will be a daily occurrence every week throughout the summer. Some of the representations also mention light pollution, management issues and issues with the keeping of records. All of these are relevant considerations relating to the licensing objectives.
- 3.3 In addition, there are some matters which do not relate to the licensing objectives but are matters that should be considered under the planning application. These are matters include those relating to need, wildlife, parking and highways issues.
- 3.4 Some of the representations include suggestions such as limiting the frequency of the events, and a very wide communication of events.

4. **Further Information**

- 4.1 The applicant has submitted a number of documents after receipt of the representations, these consist of: -
- a) The revised plan
 - b) Noise Assessment Report
 - c) Visuals of a similar stage area at Caister Holiday Park
 - d) Mock up plan drawing showing the area where the activities are to go, together with a mock-up of what it would look like should the activities be there
 - e) Plan of the outdoor stage and screen
 - f) Visuals of the container bar
 - g) Google Map view of the route from Seaview to Weymouth Bay Caravan Park
 - h) Letter from Katie Watson to local residents sent on 31st May 2022

The documents are attached at **Appendix 5**.

5. **Considerations**

- 5.1 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."

5.2 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.

6. **Financial Implications**

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

7. **Climate Implications**

None

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 - Application

Appendix 2 - Plans

Appendix 3 - Proposed Conditions

Appendix 4 - Representations from other parties

Appendix 5 - Documents from Applicant

13. **Background Papers**

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)