

Licensing Sub Committee

18 December 2023

New premises licence application for Purbeck Plaza, 19 High Street, Swanage

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllrs Suttle and Trite

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for Purbeck Plaza, for live and recorded music (New Years Eve only), late night refreshment, and the sale of alcohol, on and off the premises. 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.

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

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.

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 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 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).

2. Details of the application

2.1 An application has been made for a new premises licence for Purbeck Plaza, 19 High Street, Swanage, and has been submitted to the Licensing Authority by Bethany Harrison. The application and floor plan can be found at Appendix 1.

2.2 The description of the premises within the application form is:

“Tapas style restaurant in the centre of a seaside town. Lots of seating choices to suit everyone including families. An all day venue serving breakfast, lunches and dinners with a variety of drinks to include alcohol”.

2.3 The application is to permit:

Live (indoors)	
New Years Eve	2300-midnight
Recorded music (indoors)	
New Years Eve	2300-0200 hours

Late night refreshment	
Friday and Saturday	2300-0100 hours
Swanage Carnival week	2300-0100 hours
New Years Eve	2300-0200 hours

Supply of alcohol (on and off the premises)	
Sunday to Thursday	0800-2300 hours
Friday and Saturday	0800-0100 hours
Swanage Carnival week	2300-0100 hours
Christmas Eve	2300-0100 hours
New Years Eve	2300-0200 hours

- 2.5 The operating schedule contains the steps which would be converted into conditions on a licence if it is granted and include:

Free taxi service will be available to ensure customers can get home safely.

Fire risk assessments will be in place and staff trained for emergency situations.

Staff will litter pick outside and around the premises daily.

- 2.6 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 amended the Licensing Act so that there is a similar provision for recorded music, and states that any conditions on a premises relating to any of this entertainment would not have any effect between 8am and 11pm.

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 requested the following conditions to be added to licence if were to be granted:

- 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 prominently displayed in the premises.
- 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 28 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. 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 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.
- A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
- 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.

- Staff will encourage customers to leave quietly and have regard for residents. Signs shall also be in place at all exit points requesting customers to please leave the area quietly and respect nearby neighbours.
- Any patrons leaving the premises solely to smoke will not take any drinks outside with them at any time.
- Any persons under the age of 18 years must be accompanied by an adult over the age of 18 years after 2000 hours.
- A risk assessment will be carried out in relation to the requirement of SIA trained staff for special events and anticipated busy periods. A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request and be retained for a period of at least 6 months.
- All off sales to be decanted into plastic containers.

The applicant has agreed to this, and their response can be found at Appendix 2.

3.4 There were no representations received from any of the other Responsible Authorities.

4 Representations from other persons

4.1 There were three relevant representations received from members of the public relating to the licensing objective of the Prevention of Public Nuisance. The objections relate to noise and anti-social behaviour, these e-mails can be found at Appendix 3.

4.2 An e-mail was sent by Licensing on behalf of the applicant to the interested parties. These e-mails can be found at Appendix 4. None of the interested parties responded to these e-mails.

4.3 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.

4.4 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."

5. **Considerations**

5.1 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Licensing 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.”

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 Environment, Climate & Ecology 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 – premises licence application and plan
Appendix 2 – conditions requested by Dorset Police
Appendix 3 – representations from interested parties
Appendix 4 – applicants’ response to interested parties representations
- 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](#)