

Licensing Sub Committee

21 June 2024

Variation of a premises licence application for 3 Salisbury Street, Blandford, Dorset

For Decision

Portfolio Holder:

Cllr G Taylor, Public Health, Environmental Health, Housing, Community Safety and Regulatory Service

Local Councillor(s): Cllrs Lacey-Clarke & Quayle

Executive Director:

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Report Status: Public [Choose an item.](#)

Brief Summary: An application has been made for a variation of the premises licence at 3 Salisbury Street, Blandford, Dorset, DT11 7AU. The application has been advertised in accordance with regulations 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

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 to vary the premises licence for 3 Salisbury Street, Blandford, and has been submitted to the Licensing Authority by Mr Mustafa Cakir. The application can be found at Appendix 1.

2.2 The description of the proposed variation is to add:

Films, live music, and recorded music (indoors):

Sunday to Thursday	1100-midnight
Friday to Saturday	1100-0100 hours

Opening hours

Sunday to Thursday	1100-midnight
Friday to Saturday	1100-0100 hours

The removal of condition 17 under Appendix 2 on the current premises licence:

“All alcohol shall be ancillary to the operation of the premises as a restaurant. Alcohol may only be supplied with a substantial food order”.

2.3 The current premises licence permits the following licensable activities:

Late night refreshment (indoors):

Sunday to Wednesday 2300-midnight

Thursday to Saturday 2300-0100 hours

Supply of alcohol (on and off)

Sunday to Wednesday 1100-midnight

2.4 Thursday to Saturday 1100-0100 hours

The current premises licence also contains the following conditions which will remain on the licence except for number 17 which the applicant has request to remove. The premises has held a licence since March 2023 when condition number 17 was put on the original premises licence application by the current applicant:

The prevention of crime and disorder

1) The DPS, a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.

2)

a) A cctv system covering the interior & exterior of the premises will be installed to current metropolitan police / Home office standards and shall be kept operational at all times the premises are open to the public.

b) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

c) All staff who may work front of house shall be trained to operate the cctv system and download images.

d) At least one member of staff trained to operate the cctv system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of

downloaded images shall be provided to the police on a usb stick, cd or other acceptable means as soon as possible and in any case within 24 hours of the request.

- 3) Challenge 25 shall be operated as the proof of age policy.
- 4) All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
- 5) An incident book shall be kept at the premises, and made available to the police or authorized council officers, which will record the following:
 - A) All crimes reported,
 - B) Lost property,
 - C) All ejections of customers,
 - D) Any complaints received,
 - E) Any incidents of disorder,
 - F) Any seizure of drugs or offensive weapons,
 - G) Any faults in the cctv,
 - H) Any refusal in the sale of alcohol.
 - I) Any visit by a relevant authority or emergency service
- 6) Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
 - A) That cctv & challenge 25 are in operation;
 - B) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
 - C) Of the permitted hours for licensable activities & the opening times of the premises;
 - D) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

Public safety

- 7) A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.

The prevention of public nuisance

8) The front of the premises shall be kept tidy at all times and be swept at close.

9) Relevant notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate)

10) No deliveries will be received or rubbish removed from the premises between 22.00 & 07.00.

11) An incident book shall be kept at the premises and made available to the police or authorized council.

12) A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

The protection of children from harm

13) Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, hm forces photographic id card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.

14) All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police & authorized council officers on request -see section b condition 5 for full details.

15) Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate- see section B condition 6 for full details.

16) All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons Under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.

17) All alcohol shall be ancillary to the operation of the premises as a Restaurant. Alcohol may only be supplied with a substantial food order.
(Condition to be removed as part of the variation application).

18) All alcohol will be displayed and kept and will be sold from behind the counter and to be dispensed by a member of staff only

19) The delivery of alcohol to be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.

20) The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.

21) Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years

22) ID verification will be made when orders containing alcohol are delivered (no ID no delivery) - acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure

23) All serving and delivery staff shall receive regular training, a minimum of twice a year on the prevention of underage sales and on Challenge 25 scheme.

24) Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as ancillary to table meals.

25) Should the premises remain open for non-licensable activities customer shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.

2.5 A copy of the current premises licence can be found at Appendix 2.

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 Environmental Protection have requested the following conditions be added to the licence if it were to be granted. Their e-mail can be found at Appendix 3:

- 1 Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
2. Except for access and egress, doors and windows shall be kept closed at all times that music levels are above background.
3. No music or speech shall be relayed via external speakers (other than for events where the prior approval of the licensing authority has been obtained).

3.3 The applicant has agreed to these conditions to be added to the licence if it were to be granted.

3.4 Dorset Council's Planning service did not object, as the variation application was not including the outside area but wanted the applicant's attention drawn to the planning restriction for use of the outdoor terrace following the approval of the erection of a free-standing outdoor seating area, their e-mail can be found at Appendix 4:

"The development shall not be used outside the hours of 1000-2100 hours".

3.5 Dorset Police, Dorset Council Licensing, Environmental Protection, Children's Services, Public Health, Dorset & Wiltshire Fire and Rescue Service, Trading Standards and Dorset Council Health and Safety and the Immigration Authority have not made any representations.

4 Representations from other persons

4.1 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.

4.2 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.”

4.3 There were eight relevant representations received from members of the public relating to the licensing objectives of the Prevention of Crime and Disorder, and the Prevention of Public Nuisance. The interested parties raised concerns in relation to increase in noise and anti-social behaviour from the premises. These representations can be found under Appendix 4.

5. Relevant Sections of the Licensing Act 2003

5.1 Section 4 sets out the general duties of the Licensing Authority;

(1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(2) The licensing objectives are:

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

(3) In carrying out its licensing functions, a licensing authority must also have regard to:

- (a) its licensing statement published under section 5, and
- (b) any guidance issued by the Secretary of State under section 182.

6 Relevant Sections of the Statutory Guidance issued under Section 182

6.1 Paragraphs 1.2, 1.4 and 1.5 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in December 2023 (The Guidance) sets out the Licensing Objectives and aims;

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

6.2. Paragraph 1.16 of the Guidance sets out how conditions should be formulated;

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

6.3. Paragraph 1.19 states;

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

6.4 Paragraphs 9.42 – 9.44 of the Guidance set out how the Licensing Authority will determine an application;

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.

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.

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."

7 Options

- 7.1 The Sub-Committee will determine the application in the light of all of the written representations and any oral evidence from the hearing. They will 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 modify the conditions of the licence
- b. to reject the whole or part of the application

- 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 **Natural Environment, Climate & Ecology Implications**
The Council is under a general duty to consider the impact any decision will have on the Natural Environment, Climate and local ecology.
- 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
Appendix 2 – current premises licence
Appendix 3 – conditions requested by Environmental Protection
Appendix 4 – comments from Planning
Appendix 5 – relevant representations received from interested parties
- 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](#)