

Licensing Sub Committee

2 August 2024

Premises licence application for Bridport Dagger, Bridport.

For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllr B Bolwell, Cllr D Bolwell and Cllr Williams

Executive Director:

Jan Britton, Executive Lead for Place

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Report Status: Public

Brief Summary: An application has been made for a new premises licence at The Bridport Dagger, 17 East Street, Bridport, DT6 3JZ. The application has been advertised in accordance with the 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. Report

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 The Bridport Dagger, 17 East Street, Bridport, DT6 3JZ, and has been submitted to the Licensing Authority by 10sw Ltd. The application and plan of the premises can be found at Appendix 1.

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

“The building was a old bank, being turned into a café/bar with live music, pool table and darts board. There is one serving counter, two sets of toilets one for males and one females. CCTV will be in place to cover all areas inside the building.”

2.4 The application is to permit:

Plays (indoors)
Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Films (indoors)
Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Indoor Sporting Events (indoors)
Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Boxing or Wrestling Entertainments (indoors)
Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Live music and recorded music (indoors)
Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Performances of Dance (indoors)

Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Anything of a similar description to that falling within e, f or g (indoors)

Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Late night refreshment (indoors)

Monday to Sunday 23:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Supply of alcohol (on & off the premises)

Monday to Sunday 08:00-02:00 hours
Non-Standard Timings New Year's Eve until 04.00
May bank holiday (Friday, Saturday and Sunday) until 04.00
August bank holiday (Friday, Saturday and Sunday) until 04.00

Hours open to the public

Monday to Sunday 08:00-02:30 hours
Non-Standard Timings New Year's Eve until 04.30
May bank holiday (Friday, Saturday and Sunday) until 04.30
August bank holiday (Friday, Saturday and Sunday) until 04.30

- 2.6 The operating schedule contains the steps which the applicant will take to promote the licensing objectives. These would need to be converted into enforceable conditions on a licence if it is granted and would include:

License holder always on call if needed and sell of alcohol will be with a PL holder present in the building, Challenge 25 in place, water always available on request for customers

Door staff will be employed to work in the venue on Friday and Saturday nights to help control number and to deal with any incidents that happen throughout the night, CCTV in place throughout the venue, Will be members of pub watch

During busy times there will be SIA door staff on shift and there will be first aiders onsite when needed, weekly fire checks.

All customers asked to leave the area quietly and no drinks to be taken outside the venue from 22:00 with outside tables coming in by 22:00. To help cut down on the noise of people sat there, sound proofing of the venues window when live music is being played as well as making sure the front door stays closed except for ingress or egress of the building

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 submitted a list of conditions to be added to the licence which the applicant has agreed to be added, this can be found at Appendix 2. Those conditions are:

1. From 22.00hrs until the premises and vicinity are cleared of all patrons and staff, there shall be a minimum of 2 SIA registered door staff employed at the premises on Friday and Saturday and when non standard timings noted on the application are utilised.
2. The PLH shall ensure the following details are noted in a register for each door supervisor.
 - a) Full name
 - b) SIA badge number
 - c) Times duties start and end.
3. The register shall be kept at the premises and be available on request by an Authorised Officer of the Licensing Authority or the Police
4. All door supervisors shall wear high visibility clothing to ensure clear identification.
5. A CCTV system shall be fitted, maintained and operated and will be operational at all times the premises are in use for licensable activities showing the correct time and date.
6. Recordings shall be made available to the Licensing Authority and Police upon request.
7. Should the CCTV system become non-functional this will be reported immediately to the Licensing Authority and Police.
8. At all times the premises are open at least one member of staff will be on duty who shall be trained to operate the system in order to supply images.
9. The CCTV system will have sufficient storage retention capacity for a minimum of 28 days continuous footage.
10. The Premises Licence Holder will adopt a Challenge 25 policy where all customers who appear under the age of 25 and attempt to buy alcohol or other age restricted products are asked for proof of age.
11. The Premises Licence Holder will prominently display notices advising customers of the of the Challenge 25 policy with Proof of Age cards bearing the 'Pass' hologram symbol, UK Photo Driving Licence and Passport being accepted forms of identification.

12.The Premises Licence Holder shall ensure that an incident report log is maintained detailing all incidents concerning the licensing objectives that are linked to the premises which shall be made available to the Licensing Authority and Police upon request.

13.The Premises Licence Holder shall ensure a refusals register is maintained at the premises which shall be made available to the Licensing Authority and Police upon request.

14.The Premises Licence Holder will ensure that each member of staff authorised to sell alcohol has received training on the Licensing Act 2003 in this regard with written training kept for inspection by the Licensing Authority and Police for a minimum of 12 months.

15.Suitable signage will be placed at the exit to the premises requesting customers to leave quietly and have respect for local residents.

16.A secure facility will be available for the storage of any drugs discovered by any means at the premises.

3.3 The Council's Environmental Health department also made a representation requesting further conditions which the applicant has agreed to. Following this agreement Environmental Health withdrew their letter of representation. This can be found at Appendix 3, those conditions are:

- 1.The outside rear garden will not be open to the public.
2. There will be no speakers outside.
3. There will be no regulated entertainment in the garden.
4. All doors and windows will be closed when entertainment is on, except for access and egress.
5. There will be no lights in the back except for emergency lighting
6. The rear door of the building is 'fire exit only'.
7. There will be no access to the building from Rax Lane.
8. Regulated entertainment will cease at 23.00hrs Sunday to Thursday, except on Sundays' followed by a Bank Holiday when it will cease at 01.00hrs

9. No regulated entertainment will begin before 11:00am

10. There will be legible and appropriately worded signs displayed at access and egress points advising for customers to leave quietly.

11. A noise management plan (NMP) will be in place before the venue opens, this will be supplied and agreed by the licensing authority before any regulated entertainment takes place. Any changes to the way in which regulated entertainment is supplied at the venue will require an updated NMP to be submitted.

12. Monitoring shall occur, of regulated entertainment, from 21.00hrs, at identified locations stipulated in the Noise Management Plan, until it stops, at a frequency of a minimum of every hour. Monitoring shall be recorded, and any action taken, contemporaneously, and be made available on request by the responsible authorities.

3.4 Dorset Council Planning also made a comment advising that there is an active planning application which is still yet to be determined. They have not made an objection to the application. The comment can be found at Appendix 4.

3.4 Dorset Council Licensing, 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 6 relevant representations received from members of the public and one from Bridport Town Council relating to the licensing objectives of the Prevention of Crime and Disorder, and the Prevention of Public Nuisance. Most of the concerns are relating to noise from music late at night, but concerns also relate to potentially intoxicated people leaving the premises. These can be found at Appendix 5.

4.4 The local town council have now withdrawn their letter of representation following further clarification from the applicant and this can be found at Appendix 6.

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 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

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 – Application and Plan

Appendix 2 – Police Additional Conditions

Appendix 3 – Environmental Health, agreed conditions

Appendix 4 – Comment from Planning

Appendix 5 – Representations from interested parties

Appendix 6 – Town Council withdrawn representation

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](#)