

Licensing Sub Committee

6 September 2024

Premises licence variation application for Waterloo, 1 Grange Road, Weymouth

For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllr J Orrell

Executive Director:

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Report Status: Public

Brief Summary: An application has been made for a variation of a premises licence at Waterloo, 1 Grange Road, Weymouth, DT4 7PQ. 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 variation of a premises licence for the Waterloo, 1 Grange Road, Weymouth, and has been submitted to the Licensing Authority by Admiral Taverns. The application can be found at Appendix 1.

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

“This is an application to extend the permitted hours for sale of alcohol (on and off the premises) as follows:

Monday to Sunday 1000-midnight (current permission 1000-2300 Monday to Saturday and 1200-2230 Sunday)

To permit live and recorded music (indoors) as follows:

Monday to Saturday 1000-2330 hours

To permit late night refreshment (indoors) as follows:

Monday to Sunday 2300-midnight

For all the above, from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The opening hours of the premises to remain unrestricted, as per the current licence. All other hours, activities and conditions currently permitted by the premises are to remain unchanged by this application.

2.3 The licence currently allows:

Sale of alcohol (on and off the premises)

Monday to Saturday	1000-2300 hours
Sunday	1200-2230 hours
Christmas Day	1200-1500 hours
Christmas Day	1900-2230 hours
Good Friday	1200-2230 hours
New Years Eve, except on a Sunday, 1000 hours on New Year's Eve to 2300 hours on New Year's Day.	
On New Year's Eve on a Sunday, 1200 hours on New Year's Eve to 2300 hours on New Year's Day.	

A copy of the current licence is attached at Appendix 2.

- 2.4 The Applicant has stated that the current conditions on the licence will remain unchanged.

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 letter of representation against the application. The representation can be found at Appendix 3. The representation states that the extension of the hours for the sale of alcohol could lead to an increase in potential crime and disorder and think that adequate conditions need to be in place to mitigate this. There are currently no additional conditions attached to the existing Premises Licence. Dorset Police have attempted to contact the Applicant with proposed conditions to be added to the Premises Licence but unfortunately have not received a response from them. If the Applicant agrees to Dorset Polices proposal, then they would be happy to withdraw their objection.
- 3.3 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 six relevant representations received from members of the public, including one from the Ward Member, relating to the licensing objective of the Prevention of Public Nuisance due to noise from live and recorded music and people leaving the premises. These representations can be found at 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.

5.2 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.

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. modify the conditions of the licence, or
- b. reject the whole or part of the variation.

- 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 – Variation Application
Appendix 2 – Current premises licence
Appendix 3 – Representation from Police
Appendix 4 – Representations 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](#)