

# Licensing and Gambling Acts Sub Committee

13 January 2025

## Application for a new premises licence for Chesil Beach Café, Abbotsbury

### For Decision

**Cabinet Member and Portfolio:**

Cllr G Taylor, Health and Housing

**Local Councillor(s):**

Cllr S Holland

**Executive Director:**

Jan Britton, Executive Lead for Place

Report Author: Kathryn Miller

Job Title: Senior Licensing Officer

Tel: 01305 830828

Email: Kathryn.miller@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** An application has been made for a new premises licence for Chesil Beach Café, Bullers Way, Abbotsbury, Weymouth. The application has been out to public consultation. 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:

- 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 all the written representations, the oral representations, and any 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 Chesil Beach Café, Bullers Way, Abbotsbury, Weymouth, DT3 4LA and has been submitted to the Licensing Authority by Sally Allan on behalf of Chesil Beach Café Ltd. The application form and plan are attached at Appendix 1.

2.2 The description of the premises given by the applicant is:

A beachside café in the car park of Chesil Beach, Abbotsbury. Area is separated from traffic by wooden bollards. Café has outdoor seating and takeaway facilities.

The car park and toilets are open 24 hours to public.

2.3 The application is for:

### **Supply of alcohol (on and off the premises)**

Monday to Thursday	1000-2200 hours
Friday to Sunday	1000-2300 hours

Although the box for late night refreshment has been ticked, this only applies between the hours of 2300- 0500 and is therefore not necessary in this case.

- 2.4 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:

All staff will be made aware of their responsibilities in relation to the sale of alcohol particularly with regard to drunkenness and underage persons

The licensee and staff will ask persons who appear to be under the age of 25 years for photographic ID, such as, proof of age cards, photographic driving licence or passport, official identity card issued by HM forces or by an EU country bearing the photograph and date of birth of bearer.

All staff will be made aware of underage sales prevention regularly ie the Challenge 25.

A register of refused sales shall be kept and maintained on the premises.

### **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 have objected to the application as the applicant has not agreed to the following condition which they requested, this can be found at Appendix 2:

CCTV to be installed to cover where alcohol is stored and to cover the outside seating area.

It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with correct date and time stamping.

Recordings shall be made available immediately upon the request of the Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to Police recommendations.

Staff shall be trained in the use of CCTV.

Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

3.3 The Applicant has agreed to all the other conditions that Dorset Police have requested as follows:

No glass – plastics to be used for all takeaway drinks. Beer, lager, cider to be sold in cans.

Maximum ABV of beer, lager, cider to be 5.8%.

All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.

Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed 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.

An incident log shall be kept at the premises. The log shall include The date and time of the incident and the name of the member of staff who has been involved, and made available on request to an authorised officer of the Council or the Police, which shall record the following:

- (a) any complaints received
- (b) any incidents of disorder
- (c) any faults in the CCTV system/or searching equipment /or scanning equipment
- (d) any refusal of the sale of alcohol

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, Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.

- 3.4 The correspondence from the Applicant confirming their agreement to the other conditions requested by Dorset Police can be found at Appendix 3.
- 3.5 There were no other representations received from any of the Responsible Authorities.

#### **4 Relevant Sections of the Licensing Act 2003**

- 4.1 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 Relevant Sections of the Statutory Guidance issued under Section 182**

- 5.1 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 objectives
- 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

## **8 Financial Implications**

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

## **9 Environmental Implications**

None.

## **10 Well-being and Health Implications**

None.

## **11 Other Implications**

None.



## **12 Risk Assessment**

12.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **13 Equalities Impact Assessment**

Not applicable

## **14 Appendices**

Appendix 1 – Application and plan

Appendix 2 – Objection from Dorset Police

Appendix 3 – Applicants agreement to other conditions requested by Dorset Police

## **15 Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)