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## **Chesil Beach Café, Abbotsbury**

*This report is to be considered alongside the formal representation submitted in respect of an Application for a Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context, and evidence in support of the representation. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.*

### **Background**

This is a new application for a small beachside café located in a secluded area of Abbotsbury. This premises can be reached via a cul-de-sac and there are no properties within approximately ¾ mile of this premises.

Whilst this premises will not likely encounter many of the most common problems associated with town centres, this premises is vulnerable due to its isolated location; the limited footfall, which is recognised as a strong deterrent for crime and disorder, and the operating hours that are proposed for the premises being up to 11.00pm.

Dorset Police are keen to support new businesses throughout Dorset, however, care and attention must be given to ensuring that any new premises is delivered in support of the licensing objectives and that any new licensable activity does not adversely impact on the community which it serves.

### **Concerns**

Dorset Police are grateful for the mediation that has occurred since the application was submitted for a Premises Licence. Dorset Police are pleased to inform the members of the Sub-Committee that conditions have been agreed in relation to the following –

- ✓ Challenge 25
- ✓ Staff Training
- ✓ Incident Log requirement
- ✓ Maximum ABV for alcohol products
- ✓ No Glass policy (although this appears to be subject of further discussion from recent emails)

The outstanding condition that could not be agreed relates to the requirement for CCTV within the premises.

This is an isolated premises that is intended to be operated throughout the day and up to 2300hrs at the weekends. Dorset Police are unlikely to be routinely patrolling the area of this premises during peak periods and this site will be increasingly vulnerable to crime and anti-social behaviour, criminal damage, and theft due to its isolated location.

The benefits of introducing CCTV are summarised as follows –

1. Visual deterrent against any anti-social behaviour or theft during opening hours.
2. Protection of staff against any aggressive behaviour as the incident will be recorded.

3. Support for the licence holder against any allegations of poor management or undermining of licensing objectives as Licensing Authority, Police and other responsible authorities can investigate any allegations thoroughly.
4. Protection of the building and structure when the premises is closed, and alcohol products are stored within.

Whilst matters of a fiscal nature are beyond the scope of the members of the Sub-Committee, good quality CCTV systems are readily available and can easily be installed at relatively low cost. The installation of a good quality system will provide staff with confidence and accountability whilst discouraging those intent on causing harm or crime from doing so at this proposed licensed premises.

In support of this representation, Debbie Oldfield, a qualified Crime Prevention Advisor for Dorset Police, has provided the following submission upon reviewing this application and associated agreed conditions –

*"I am a Crime Prevention Design Advisor working for Dorset Police. I was approached by Louise Busfield, Licensing Officer, Dorset Police in relation to a licensing application that is being heard around CCTV at the Chesil Beach Café. I fully support the CCTV requirements made by the Police Licensing Team as CCTV can contribute to public safety and security, safeguarding both people and property. Should an incident occur during trading hours, the CCTV would enable Police to investigate and safeguard appropriately, with the best opportunity to catch offenders.*

*Chesil Beach Café is a vulnerable building situated on the beach front with no overlooking properties. Although there have been no incidents of note whilst it has been running as a café, this has the possibility to change when people become aware that alcohol is being stored on the premises overnight. I understand that the premises is going to be alarmed and linked up to the applicant's phone which is good, however I would strongly recommend that the CCTV records 24/7 and not just during trading hours. I would also recommend that it is also linked to the applicant's phone so in the event of an alarm activation the applicant can see what is happening. In summary, protecting the physical premises with CCTV and an alarm is part of the process in reducing crime and the safeguarding of staff, patrons, and the local community.*

*If the applicant would like any further advice, I would be happy to attend the café at a mutually convenient time."*

Dorset Police propose that the following condition be imposed to the premises licence alongside the agreed conditions (including the condition to ensure that no glass is served in this outside environment)-

***CCTV to be installed and record all areas where alcohol is served, stored and the outside seating area where customers are anticipated to consume alcohol.***

***All recordings must be stored for a minimum period of 31 days with correct date and time stamped on the footage.***

***The CCTV system must be updated and maintained according to reasonable Police recommendations.***

***A staff member from the premises who is conversant with the operation of the CCTV system must be always on the premises when the premises are open to the public. This staff member must be able to show a Police or Authorised officer of the Local Authority recent data or footage with the absolute minimum of delay when requested throughout the preceding period of 31 days.***

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

#### **Available Outcomes to the Sub-Committee**

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for a Premises Licence –

## **Grant the Premises Licence as applied for**

Dorset Police are of the view that to grant the application as proposed would not be appropriate to fully promoting the licensing objectives. The Statutory Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 states at paragraph 10.2 that “the Courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided”. Dorset Police, supported by the Crime Prevention Advisor’s submission, consider that the addition of CCTV to this premises will proportionately support the licence holder to promote the licensing objectives and that meeting the requirements of this condition is achievable.

It is outside the control of the members of the Sub-Committee to require that CCTV coverage is maintained outside the times when licensable activities are being offered, however, Dorset Police recommend that the use of CCTV is an effective measure to deter burglary and criminal damage and that CCTV is recommended to be always operated.

## **Modification of the conditions of the Premises Licence the members of the Sub-Committee considers appropriate for the promotion of the licensing objectives**

Dorset Police are grateful for the mediation that has occurred between Dorset Police and the applicant.

A variety of additional conditions and modifications have been agreed, however, Dorset Police maintain the position that to permit the application to take effect as proposed, without the requirement for CCTV, is likely to undermine the licensing objectives.

If the members of the Sub-Committee determine that it is appropriate to grant a premises licence to permit the sale of alcohol, Dorset Police would invite the members of the Sub-Committee to apply the condition as highlighted above, or similar, to the Premises Licence to ensure that the premises is meeting the minimum standards required of a premises of this nature at this type of location.

If the members of the Sub-Committee determined that it was appropriate, additional consideration could also be given to imposing the following conditions to premises licence –

### Protection of theft of alcohol products

*Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and/or staff.*

This condition is often appropriate to support the safe storage of alcohol and to minimise the risk of alcohol being stolen and consumed by those that are most vulnerable in our communities.

### Use of Glass receptacles

*The contents of any bottled beverage shall be decanted into a plastic/paper/toughened glass or polycarbonate container before service to any customer.*

Whilst outside of the scope of crime and disorder, the members of the Sub-Committee might also wish to impose the following conditions to assist the licence holder to promote the licensing objectives –

### Litter pollution

*The PLH/DPS will ensure that litter arising from people using the premises is cleared away daily.*

## **Exclusion of a licensable activity from the scope of the Premises Licence**

Dorset Police are content to support the licensable activities proposed within the application.

## **Refuse to specify a person in the licence as the Designated Premises Supervisor (DPS)**

Dorset Police consider each applicant upon the requirements of the Licensing Act 2003.

Dorset Police do not currently have any grounds upon which to object to the applicant being the DPS.

## **Refuse the Application for a Premises Licence**

Dorset Police continue to support the view that this option should always be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to the commercial viability of businesses and draw on our expertise to encourage applicants to adopt proportionate measures to ensure that the licensing objectives can consistently be promoted. This premises is within a secluded rural location, and it is imperative that it provides a welcome and safe amenity for those visiting the area.

The proposal as submitted risks this premises being vulnerable to crime and disorder.

Whilst Dorset Police are keen to support responsible and appropriate licensable activities, we remain of the view that this application, given its location and offered/mediated conditions, be granted with the additional condition requiring CCTV provision and that consideration be given to imposing any other conditions considered appropriate by the members of the Sub-Committee to support the licence holder to promote the licensing objectives.

## **Conclusion**

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance.

Dorset Police invite the members of the Sub-Committee to carefully consider each of the available options, however, to consider permitting this application with further imposed condition(s) on the basis that several other conditions have been agreed in advance of the hearing.

Dorset Police do not intend to repeat the above concerns to the members of the Sub-Committee during the Sub-Committee hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder, we will be happy to answer any further questions that you may have during the forthcoming hearing.

## **Hearing Regulations**

The members of the Sub-Committee are reminded that the Licensing Act 2003 (Hearings) Regulations 2005 (Regulation 18) states that "*in considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.*"

Dorset Police have mediated in advance of this hearing and will consider any additional submissions received in advance of the hearing. Dorset Police will be unable to verify or scrutinise any evidence produced during the hearing and any additional evidence provided during the hearing can only be accepted with agreement of all parties.

If the Chair of the Sub-Committee orders an adjournment of the hearing, Dorset Police respectfully seek that any adjournment be for a **minimum of 48 hours** to enable appropriate scrutiny of any additional accepted evidence or information received.