

Licensing and Gambling Acts Sub Committee

20 January 2025

Application for a variation of a premises licence for Eats and Drinks, 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 to vary the premises licence for Eats and Drinks in 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 states 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 Naguleswaran Jayasuthan has applied to vary his premises licence under Section 34 of the Licensing Act 2003 for Eats and Drinks, 24-25 King Street, Weymouth, DT4 7BH. The application form is attached at Appendix 1.

2.2 The description of the proposed variation is to amend the following conditions:

Condition 2

Current - no beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

Proposed – beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall not be sold as single at the premises, minimum of four in single transaction.

Condition 6

Current – no miniature bottles of spirits of 20cl or below shall be sold from the premises.

Proposed – no miniature bottles of spirits of less than 20cl shall be sold from the premises.

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

2.4 The premises licence for Eats and Drinks was reviewed by Dorset Police in August 2024 under the Licensing Objective of the Prevention of Crime and Disorder on the grounds that there was evidence of the premises associated with the handling of stolen goods and failing to promote the licensing objectives by offering alcohol to those that are most vulnerable in our communities, namely street homeless individuals.

2.5 The Licensing Sub Committee decided to add the following conditions to the premises licence:

1. All sales of alcohol for consumption off the Premises shall be in sealed containers only and shall not be consumed on the Premises.
2. No beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the Premises.
3. No single cans or glass bottles of beer, cider, lager or alcopops shall be sold, with the exception of those in cans or bottles in excess of 500ml in volume.
4. The minimum number of cans of beers, ciders, lagers or alcopops less than 500ml in volume purchased in one transaction will be four.
5. All spirits will be displayed behind the counter.
6. No miniature bottles of spirits of 20cl or below shall be sold from the premises.
7. No sign or advertisement shall be displayed outside the premises that advertises the price of any alcoholic product.
8. 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, or holographically marked PASS scheme identification cards.
9. Appropriate signage advising customers of the Challenge 25 policy shall be prominently displayed in the Premises.
10. A log shall be kept detailing all refused sales of alcohol. The refusals log should include the date and time of the refused sale, a description of the person refused, why they were refused (eg no ID, fake ID) and the name of the member of staff who refused the sale.

11. The record shall be checked by the Designated Premises Supervisor at least once a week and shall be signed to that effect. This refusals record shall be kept on the premises and shall be available for inspection by the Police or an authorised officer of the Council at all times whilst the Premises is open.
12. A Closed-Circuit Television (CCTV) system will be operational at the Premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system must cover all areas of the premises including the area outside the toilet. The CCTV system will contain the correct time and date stamp information and will have sufficient storage retention capacity for a minimum of 31 days of continuous footage. Weekly checks will be made and documented to ensure the system is functioning as required and all details are correct, including the time and date shown.
13. CCTV shall be downloaded on request of the Police or authorised officer of the Council.
14. A staff member who is conversant with the operation of the CCTV system will be on the Premises at all times when the Premises is open to the public.
15. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the Premises.
16. All staff involved in the sale of alcohol shall receive training on the Licensing Objectives, the law relating to prohibited sales, the age verification policy adopted by the Premises and the conditions attached to the Premises Licence. Refresher training shall be provided at least once every six months. A record shall be maintained of all staff training and that record shall be signed and dated 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.
17. Incident Log
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

- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) all crimes reported to the venue
- (g) all ejections of customers

This log to be checked and signed on a weekly basis by the Designated Premises Supervisor.

18. The toilet at the premises shall be used only by staff and not by members of the public and shall be kept locked when not in use.

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 has objected to the application stating, that whilst the demand on Police resources has reduced since the review of the premises licence was made by Dorset Police in August 2024, and additional conditions were added, it is of concern that the premises continues to be the subject of intelligence received from members of the public. To permit this full variation would undermine both the decision made by the Licensing Sub Committee and the promotion of the Licensing Objectives. Dorset Police's objection can be found at Appendix 3.
- 3.3 There were no other representations received from any other 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) set 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. to reject the application - in whole or in part

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: Medium

Residual Risk: Medium

13 Equalities Impact Assessment

Not applicable

14 Appendices

Appendix 1 – Application form

Appendix 2 – Current licence

Appendix 3 – Objection from 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](#)