

Licensing and Gambling Acts Sub Committee

13 January 2026

Application for a new premises licence for 4 St Edmund Street, Weymouth, Dorset, DT4 8AR

For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllr J Orrell

Executive Director:

S Crowe, Director of Public Health and Prevention

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 4 St Edmund Street, Weymouth, Dorset, DT4 8AR. The application has been out to public consultation. Representations have been received. A Licensing Sub-Committee must therefore 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 4 St Edmund Street, Weymouth, Dorset, DT4 8AR and has been submitted to the Licensing Authority by Mr Gareth Burton. The application form is attached at Appendix 1.

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

Licensed café/coffee shop and bar.

2.3 The application is for:

Films (indoors)

Monday to Friday	1800-midnight
Saturday and Sunday	1200-midnight

Live Music (indoors)

Monday to Sunday	1200-midnight
New Years Eve	1200-0030 hours

Recorded Music (indoors)

Monday to Sunday	0800-midnight
New Years Eve	0800-0030 hours

Late night refreshment (indoors)

Monday to Sunday	2300-midnight
New Years Eve	2300-0030 hours

Alcohol sales (consumption on and off the premises)

Monday to Sunday	1200-midnight
New Years Eve	1200-0030 hours

- 2.4 The Live Music Act 2012 allows any premises with a licence for the consumption of alcohol on the premises to have live amplified and recorded music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people and takes place when the premises are open and being used for the sale of alcohol for consumption on the premises. The Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act and states that any conditions on a premises relating to any of this entertainment would not have any effect between 8am and 11pm when the premises are open and selling alcohol for consumption 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 and Rescue Service, Dorset Council Public Health, Trading Standards, Children's Services, Planning, Licensing, Environmental Protection, Dorset Council Food Safety and Port Health and the Immigration Authority have all been consulted.
- 3.2 Dorset Police requested the following conditions to be added to the licence if it were to be granted, the applicant has agreed to these, their email can be found at Appendix 2:

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. Images of ID on mobile devices will not be accepted.

All staff involved in the sale of alcohol will receive full training on their responsibilities under the Licensing Act 2003, including age verification, refusal of service and handling difficult situations. Training records will be signed and dated by the person undertaking the training as well as the person delivering the training. Refresher training will be provided at least every 6 months. All training records will be made available on request of an authorised officer or Police and kept on the Premises for at least 12 months. An incident and refusal log shall be

kept at the premises. The log should include the date and time of the incident and/or refusal and the name of the member of staff involved. The log to be made available immediately on request to an authorised officer of the Council or the Police, which will record the following:

1. All crimes reported to the venue
2. All ejections of patrons
3. Any complaints received
4. Any incidents of disorder
5. All seizures of drugs or offensive weapons
6. Any faults in the CCTV system
7. Any refusal of the sale of alcohol
8. Any visit by a relevant authority or emergency service

A comprehensive CCTV system will cover all customer areas, including entrances and exits. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with correct date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 28 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises or contactable at all times when the premises is open. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

CCTV shall be downloaded on request of the Police or authorised officer of the council.

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

A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 28 days storage for recordings is being maintained.

There shall be a written drugs policy detailing the actions to be undertaken to minimise the opportunity to use or supply illegal substances within the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.

The use of polycarbonate/plastic drinkware will be risk assessed during anticipated busy periods.

The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request and for a period of up to 6 months.

Only Door Supervisors who are accredited by the Security Industry Authority (SIA) shall be employed to undertake door supervision activities. When deployed, a record shall be maintained on the premises by the Door Staff.

The record will contain consecutively numbered pages, the full name and full 16-digit registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).

The record will be retained on the premises for a period of twelve months from the date of the last entry and made available to an authorised officer from the Licensing Authority or Police on request.

A dispersal policy shall be adopted by the premises to ensure minimum disruption from customers to neighbouring properties.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

All off sales of alcohol shall be made in plastic containers. No glass shall be taken from the premises.

A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

When customers leave the premises to smoke outside, they will not be permitted to take drinks out with them.

- 3.3 Environmental Protection requested the following condition to be added to the licence if granted, which the applicant has agreed to. The email can be found at Appendix 3:

The licence holder shall erect and maintain clear and prominent notices displayed at all exits requesting the public to respect the needs of residents and to leave the premises and the area quietly.

There will be no disposal of glass and bottles between the hours of 2200 and 0800 hours.

When live music takes place inside the premises, the fixed inner porch door and windows will be kept shut, maintaining a physical barrier to music and the outside.

- 3.3 There were no representations received from any of the other Responsible Authorities.

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 four relevant representations received, two from members of the public, one from Respect Weymouth and the other was from the Ward Member. The representations were made on the licensing objective of Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety. Concerns were raised around noise from the premises.
- 4.4 An email was sent by Licensing to the interested parties and the Ward Member on behalf of the applicant, addressing the issues raised. The email also contained the conditions that Dorset Police and Environmental Protection had requested. The email can be found at Appendix 4.
- 4.5 Following the email to the interested parties from Licensing, the Ward Member and one of the interested parties withdrew their representation. One of the original parties did not respond and Respect Weymouth said that their concerns had not been alleviated. Their representations can be found at Appendix 5.
- 4.6 Respect Weymouth also emailed a response to the points that the applicant addressed. Their response can be found at Appendix 6.

5 Considerations

- 5.1 The premises fall within the cumulative impact zone. The part of the policy relating to the cumulative impact policy is available under Background papers. Paragraphs 7.17 and 7.22 puts the onus on the applicant to demonstrate how the new premises will not add to the anti-social behaviour or crime and disorder, and the types of premises that are likely to be considered as such: “Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy. When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures

which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate up to midnight.
- Premises which are not alcohol led and only operate during the day time economy.
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.”

6 Relevant Sections of the Licensing Act 2003

6.1 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

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 form

Appendix 2 – Conditions requested by Dorset Police

Appendix 3 – Conditions requested by Environmental Protection

Appendix 4 – Email sent by Licensing on behalf of the Applicant

Appendix 5 – Original representations from the remaining interested parties

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](#)