

# **Licensing and Gambling Acts Sub Committee**

**31 March 2026**

## **Application for a variation a premises licence for William Henry, 1 Frederick Place, St Thomas Street, Weymouth**

### **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 variation of the premises licence for William Henry, 1 Frederick Place, St Thomas Street, Weymouth. 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 variation of a premises licence for the William Henry, 1 Frederick Place, St Thomas Street, Weymouth and has been submitted to the Licensing Authority by JD Wetherspoon plc. The application form is attached at Appendix 1.

2.2 The description of variation given by the applicant is:

The application seeks to vary the Premises Licence as follows:-

Sale of Alcohol Thursday to Saturday 0900 to 0200

Late Night Refreshment Thursday to Saturday 0900 to 0200

Opening Thursday to Saturday 0700 to 0230

All Licensable Activities Thursday to Saturday 0900 to 0200 Sunday to Wednesday hours remain unchanged.

The application also seeks to vary the wording of condition (11) in Annex 2 of the Premises Licence to now read as follows:- (11) Persons under the age of 18 shall not be permitted to enter the premises after 23:00.

There are no further changes to the Premises Licence

2.3 The current licence allows for the following:

**Films (indoors)**

|                      |                 |
|----------------------|-----------------|
| Sunday to Wednesday  | 0700-midnight   |
| Thursday to Saturday | 0700-0100 hours |

**Indoor sport**

|                      |                 |
|----------------------|-----------------|
| Sunday to Wednesday  | 0900-midnight   |
| Thursday to Saturday | 0900-0100 hours |

**Live music (indoors)**

|                      |                 |
|----------------------|-----------------|
| Sunday to Wednesday  | 0900-midnight   |
| Thursday to Saturday | 0900-0100 hours |

**Recorded music (indoors)**

|                      |                 |
|----------------------|-----------------|
| Sunday to Wednesday  | 0900-midnight   |
| Thursday to Saturday | 0900-0100 hours |

**Performance of dance (indoors)**

|                     |                 |
|---------------------|-----------------|
| Sunday to Wednesday | 0900-midnight   |
| Thursday to Sunday  | 0900-0100 hours |

**Late night refreshments (indoors)**

|                      |                 |
|----------------------|-----------------|
| Sunday to Wednesday  | 2300-midnight   |
| Thursday to Saturday | 2300-0100 hours |

**Alcohol sales (consumption on the premises)**

|                      |                 |
|----------------------|-----------------|
| Sunday to Wednesday  | 0900-midnight   |
| Thursday to Saturday | 0900-0100 hours |

Saturday, Sunday and Monday of Bank Holiday weekends 09:00 to 01:00 hours  
Christmas Eve, Boxing Day 09:00 to 01:00 hours  
New Year's Eve 09:00 to 09:00 on New Year's Day

2.4 To vary the wording of condition 11 in Appendix 2 of the premises licence from:

Persons under the age of 18 shall not be permitted to enter the premises after 2200 hours.

To be replaced with:

Persons under the age of 18 shall not be permitted to enter the premises after 2300 hours.

2.5 A copy of the current premises licence can be found at Appendix 2.

- 2.6 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 or 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 Health and Safety and the Immigration Authority have all been consulted.
- 3.2 Environmental Health emailed the applicant to express their concerns in relation to the extension of regulated entertainment until 0200 hours owing to the flats above the premises and other residential properties in the vicinity. Following this email, the applicant discussed the issues raised with the Area Manager and it was agreed that the hours for regulated entertainment will remain as they are on the current premises licence. Environmental Health were satisfied with this decision and therefore, had no objection to the variation to the premises licence. A copy of these emails can be found at Appendix 3.
- 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 three relevant representations received, one from a member of the public, one from Dorset Councils Assets and Regeneration Team and one from Weymouth Town Council. The representations were made on the licensing objectives of Prevention of Crime and Disorder, and Prevention of Public Nuisance. Concerns were raised around noise from the premises and anti-social behaviour.
- 4.4 The representation from Weymouth Town Council was made on the grounds that the applicant wishes to play music outdoors until 0200 hours which may result in noise disturbance and public nuisance. However, following the emails between the Environmental Health and the applicant with the agreement that the hours for regulated entertainment would remain the same, Weymouth Town Council withdrew their representation.
- 4.5 The two remaining representations can be found at Appendix 4.
- 4.6 The Ward Member was in support of the application, subject to the inclusion of a condition requiring effective sound containment measures, namely double glazing, an automatically closing double-door entry system, and air conditioning to allow windows to remain closed during warmer months so that any sound from a DJ, recorded or live music is contained

and does not disturb neighbours. Following confirmation that the hours for regulated entertainment would remain unchanged, the Licensing Authority advised the Ward Member that such a condition was unnecessary.

## **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.

## **7 Relevant Sections of the Statutory Guidance issued under Section 182**

7.1 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.

7.2. 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.

7.3. 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.

7.4 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."

## 8 Options

- 8.1 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

**9 Financial Implications**

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

**10 Environmental Implications**

None.

**11 Well-being and Health Implications**

None.

**12 Other Implications**

None.

**13 Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

**14 Equalities Impact Assessment**

Not applicable

**15 Appendices**

Appendix 1 – Application form

Appendix 2 – Current premises licence

Appendix 3 – Emails between Environmental Protection and applicant

Appendix 4 – Original representations from interested parties

**16 Background Papers**

[Licensing Act 2003](#)

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

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