

DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 14 AUGUST 2020

Present: Cllrs Cathy Lugg, Emma Parker and Molly Rennie

Officers present (for all or part of the meeting): Lara Altree (Legal Services Manager) Aileen Powell (Licensing Team Leader) and David Northover (Democratic Services Officer)

1. Election of Chairman and Statement for the Procedure of the Meeting

Resolved

That Councillor Emma Parker be elected Chairman for the meeting.

The attention of the Sub-Committee was drawn to the procedures and protocols for the meeting and the basis on which the decision would be made.

2. Apologies

No apologies for absence were received at the meeting.

3. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

4. Licensing Sub-Committee Procedures

The Licensing Sub-Committee Procedures were drawn to the attention of, and understood by, Members in how they were able to come to their decision and the basis for this.

5. New Premises Licence - Cherries Ice Cream Parlour, West Bay

The Sub-Committee considered an application for a new premises licence - made by Marianna Browning for Cherries Café and Ice Cream Parlour, 1 Pier Terrace West Bay, Bridport - for on and off sales of alcohol. As a representation had been received - an objection - and remained unresolved, it was now necessary for the Sub-Committee to consider it and determine the application.

The officer's report detailed the basis of the application, how any permission would be applied and what the premises comprised of: being a small café with

45 covers inside and 20 outside. The times being requested for the on and off sales of alcohol were between the hours of 0900hrs and 2100hrs every day.

The operating schedule focused on the training of staff and confirmed that alcohol would only be served with food. A critical condition of any grant of permission was that sales of alcohol on the premises would only be permitted to accompany a table meal and not under any other circumstances.

Members understood that 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 was appropriate for the promotion of the licensing objectives required an assessment of what action or step would be suitable to achieve that end. In coming to their decision, these would be the principles on which the Sub-Committee's decision would be based.

Following consultation, whilst there were no representations from the responsible authorities, Dorset Police had requested - and the applicant agreed - to have conditions attached to a licence, should it be granted. The conditions requested would cover a CCTV system; adherence to and application of the Challenge 25 scheme; the appropriate training of staff in applying and delivering those measures; and a refusals and incident log.

However, one representation from an interested person had been received which

focused on the impact that those who were inebriated would have on the area and the nuisance and disruption this could cause. It was clarified that for representations to be relevant, they must relate to one of the four licensing objectives: prevention of public nuisance; prevention of crime and disorder; public safety or the prevention of harm to children.

In having asserted that the representation being made was on behalf of the residents of Pier Terrace - and concerns for their future wellbeing - the grounds on which the objection was being made were that granting a licence would result in amenity being adversely affected by way of:-

- the resulting nuisance and disturbance which would be caused from increased noise levels;
- uncontrolled and unfettered access to the shared garden amenity;
- uncontrolled and unfettered activities associated with the excessive consumption of alcohol and how, in turn, this would compromise the amenity, safety and security of this otherwise respectable residential area and its residents;
- the proximity of other, alternative licences premises; and
- an assurance that, in purchasing his property, there would be no such licence enacted.

The applicant had taken the opportunity to respond to each of these concerns in turn and was able to provide assurances that these could be allayed by the measures that would be put in place in compliance of any licence being granted and was confident that this would be the case.

The opportunity was given for members to ask questions of the presentation and what they had heard and read in the report, in seeking clarification of aspects so as to have a better understanding in coming to a decision. The Sub-Committee confirmed that the questions asked of the officer and the application were to be assured that the arrangements and conditions to be put in place were satisfactory in addressing the issues and concerns that had been raised and so as to ensure any grant of permission served the purpose for which it was designed and achieved a positive outcome.

Officers addressed the questions raised, providing what they considered to be satisfactory answers.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory responses to the questions they had asked the Sub-Committee were satisfied in their

understanding of what the proposal entailed and the reasoning for this and, following the conclusion of the public meeting and having taken the opportunity to come to their decision – on that basis, the Sub-Committee agreed, unanimously, that the application should be approved, subject to the conditions set out in the report and that the licencing permission should be granted.

Resolved

That the application made by Marianna Browning for Cherries Café and Ice Cream Parlour, 1 Pier Terrace West Bay, Bridport for on and off sales of alcohol be granted the Premises Licence, with the usual mandatory conditions, together with the conditions consistent with the operating schedule and the conditions agreed with Dorset Police as follows:-

- i. Sales of alcohol on the premises will only be permitted to accompany a table meal.
- ii. A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

plus

Conditions agreed with Dorset Police :-

- i. A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises while the premises is open for licensable activities. Recordings will be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.
- ii. The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.
- iii. The Licensee to prominently display notices advising customers of the "Challenge 25" policy.

- iv. The following proofs of age are the only ones to be accepted :
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving licence
 - Passport
- v. The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
- vi. The Licensee will ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.
- vii. The Licensee will ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.
- viii. The licence holder will keep a register of refused sales of all age- restricted products (Refusals Book).
- ix. The refusals book will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.
- x. The Refusals book will be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.
- xi. The licence holder will keep an incident record book which will contain details of time and date, description of any incidents that happen on in the immediate vicinity of the premises.

Reasons for Decision

The Sub-Committee carefully considered all of the documents presented to them and all of the written representations made by all parties. They had regard to the four Licensing Objectives, the Section 182 Statutory Guidance and the Dorset Council (West Dorset) Statement of Licensing Policy 2016.

1. The Sub-Committee considered the written representation made by a local resident, which he said was submitted on behalf of himself and other residents, however it was felt that given that the premises would be only be permitted to sell alcohol for a limited number of hours, from 9am to 9pm, and that sales would accompany a table meal, that it was reasonable to grant the licence.
2. The Sub-Committee acknowledged that the applicant had taken on board the comments made by the Police and had accepted all of the

conditions that the Police had recommended be attached to the licence. The Sub-Committee were therefore content to grant the licence with the mandatory conditions, plus those conditions which are consistent with the operating schedule and those recommended by the Police. The Sub-Committee believe these conditions are consistent with, and tailored to, the particular characteristics of the proposed business, as set out in the operating schedule, and are appropriate for the promotion of the licensing objectives.

3. The Sub-Committee believe that the imposition of these conditions is a fair, proportionate and appropriate response to the concerns of those who had objected and will ensure the licensing objectives are promoted and complied with.

6. **Urgent items**

There were no urgent items of business for consideration at the meeting.

Duration of meeting: 10.00 - 11.00 am

Chairman

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