

Licensing Sub-Committee

Licensing Act 2003 – Application for a premises licence to be granted – The Old Post Office, 16 West Street, Kingston, BH20 5LH

Date of Meeting: 24 September 2019

Portfolio Holder: Cllr T Alford, Customer, Community and Regulatory Services

Local Member(s): Cllr Cherry Brooks

Director: John Sellgren, Executive Director of Place

Executive Summary:

An application has made by Katherine Fitzgerald for a premises licence to be granted to authorise the supply of alcohol for consumption off the premises only. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

Equalities Impact Assessment:

N/A

Budget:

N/A

Risk Assessment:

N/A

Climate implications:

N/A

Other Implications:

Members will need to consider the application in light of the Council's published Statement of Licensing Policy.

Recommendation:

The Sub-Committee determines the application in the light of written and oral evidence and resolves to either:

- grant the premises licence in the terms sought by the applicant, including such conditions as are consistent with the operating schedule; or
- grant the premises licence as above but modified to such extent that the Sub-Committee considers appropriate for the promotion of the licensing objectives; or
- refuse the application

and give reasons for the decision.

Reason for Recommendation:

Dorset Council Scheme of Delegation.

Appendices:

- 1 – Application form and plans
- 2 – Proposed Operating Schedule
- 3 – Representations

Background Papers:

None

Officer Contact:

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1. Further Information

- 1.1 The Old Post Office is centrally located within the village of Kingston. The application seeks to authorise the sale of alcohol for consumption off the premises only between the hours of 09.30 and 17:00 every day. A copy of the application form and plans are attached as Appendix 1 to this report and the steps the applicant proposes to take to promote the licensing objectives are set out as Appendix 2 to this report.
- 1.2 Representations have been received from five interested parties and copies of these representations are attached at Appendix 3. The representations relate to all four licensing objectives, the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.
- 1.3 No representations have been received from any responsible authority
- 1.4 A mediation meeting has been held between the applicant and two of the parties who have made representations. During the meeting the application was amended by an additional condition offered in response to the representation made by Corfe Castle Parish Council. The condition is included within the proposed operating schedule attached at Appendix 2.
- 1.5 In determining the application with a view to promoting the licensing objectives in the interests of the local community, the Licensing Sub-Committee must give appropriate weight to:
 - (a) the steps that are appropriate to promote the licensing objectives

- (b) the representations (including supporting information) presented by all parties
- (c) the statutory guidance issued under section 182 of the Licensing Act 2003; and
- (d) The Council's statement of licensing policy.

- 1.6 All parties, the applicant or the person making the relevant representation, may appeal the decision made by the Licensing Sub-Committee to the Magistrates Court.
- 1.7 The current statutory guidance published by the Home Office and the Council's Statement of Licensing Policy are available in full for Members to view. The attention of Members is however specifically requested to the following provisions.

2. Guidance issued under section 182 of the Licensing Act 2003

- 2.1 Alongside the promotion of the four licensing objectives the current statutory guidance published by the Home Office identifies that the legislation also supports a number of key aims and purposes that include;
 - (a) Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
 - (b) 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.
- 2.2 The statutory guidance at paragraph 1.17 identifies the need for each application to be considered on its own merits and that conditions must be tailored to the individual type, location and characteristics of the events concerned. "This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions."
- 2.3 At paragraph 2.21 the statutory guidance states in respect of the public nuisance objective "Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right."

3. Dorset Council (Purbeck) Statement of Licensing Policy

- 3.1 The council's statement of licensing policy at 6.4.2 clarifies that "The licensing objectives are the only matters to be taken into account in determining an application."
- 3.2 At paragraph 6.5.1 the council's statement of licensing policy states "The Committee shall not consider the commercial need or demand for additional licensed premises, other than to take account of any cumulative impact upon the licensing objectives."