

DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 24 SEPTEMBER 2019

Present: Cllrs Cathy Lugg, David Morgan and Emma Parker

Apologies: None

Also present: Cllr Dragon, Mr Pickford and Mrs Gaffney (Interested Parties)

Officers present (for all or part of the meeting):

Ian Carter (Licensing Officer), Kate Critchel (Senior Democratic Services Officer) and Jeremy Shute (Solicitor)

31. Election of Chairman and Procedure for the meeting

It was proposed by Cllr C Lugg seconded by Cllr D Morgan

Decision

That Cllr E Parker be elected as Chairman for the meeting. Cllr Parker set out the procedure and process for the meeting. There was also an opportunity to introduce all parties present at the meeting.

32. Declarations of Interest

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

33. Public Participation

Representations from interested parties detailed in the minute below.

34. Application for a premises licence to be granted - The Old Post Office, 16 West Street, Kingston, BH20 5LH

The Licensing Officer set out an application made by Katherine Fitzgerald for a premises licence to be granted to authorise the supply of alcohol for consumption off the premises only.

Members were advised that the Old Post Office was centrally located within the village of Kingston and that the applicant sought the authority to sell alcohol for consumption off the premises between the hours of 09.30 and 17.00 every day. The operating schedule indicated an intention to sell alcohol that was locally produced and would be displayed and packaged as gift items, consistent with other items being sold from the shop premises, including gift hampers. The operating schedule also indicated an intention to offer a

delivery service in respect of such items of alcohol via orders being made by telephone and on-line.

There had been representations received from five interested parties and these representations related to all four of the licensing objectives.

The Licensing Officer confirmed that a mediation meeting had been held between the applicant and two of the interested parties who had made representations. During that meeting the application was amended with additional conditions which were accepted by the applicant and these were set out at page 23 of the agenda papers.

It was confirmed that there had not been any representations received from any responsible authority.

The Chairman invited the applicant to address the sub-committee. The applicant advised that the application was for a small retail shop in a village location and to support website sales. The applicant confirmed that the alcohol sales from the shop would be clearly displayed in gift packaging and supplied as gift items. Gifts would be local produce, including local wines and products from small local micro-breweries.

The applicant indicated that she had found the mediation meeting useful and welcomed the additional conditions to fully support the licensing objectives.

In response to questions from members, the applicant confirmed that the shop would not be acting as a traditional off-licence. Gifts would be hampered, boxed or in presentation bags.

Cllr Dragon, representing Corfe Castle Parish Council addressed the sub-committee expressing concerns that the premises was also being used as an Air B-and-B and there were no obvious secure separation between the proposed licenced premises and the rest of the property. It was the Parish Council's view that as the building would have multiple use and the premises insecure, the application failed to meet the four licensing objectives. However, Mr Dragon understood that the proposed conditions did try to address this matter.

Mr Pickford had made representations on the grounds of all four licensing objectives. He advised the sub-committee that he objected to the shop, which was located in an historic village, as it had the potential to create a significant public nuisance. This would destroy the peace and tranquillity of the area.

He was concerned that during the summer months a number of children passed through the village on their Duke of Edinburgh Award and the presence of a venue selling alcohol would be a risk to these young people. He was concerned that people would purchase the products in store and then open and drink them in the street, creating trouble and disorder. There was also only one litter bin in the village and this was likely to fill up and overspill creating a public nuisance.

Mr Pickford felt that the applicant was shifting the shop to a different purpose than that was advertised as part of the planning application.

Members asked why he did not consider that the proposed conditions would address these issues and concerns. In response, Mr Pickford felt that it was a matter of trust, he had no confidence in the applicant's proposal, was concerned about the implications to young people and whether the products would be gift wrapped as stated.

Responding, the applicant confirmed that these were high-end products with expensive bottles of local vineyard wines and beers.

Mrs Gaffney spoke to the sub-committee and advised that she welcomed the additional conditions. In response to a question from Mrs Gaffney, the licensing Officer reported that any changes to the licence would need to be considered on its own merits, at the time, and if necessary a further sub-committee would be heard to consider any proposed amendments. He further advised that the Licensing authority had a rolling programme of inspection of premises, but the council also relied on local communities to report any issues of concern or non-compliance of licensing conditions. The Licencing Authority would then investigate accordingly.

The Chairman invited all parties to sum-up, following which the sub-committee adjourned at 10.40am.

On returning at 11.20am

The Legal Advisor, informed the meeting that he had joined the members in their private session, not to advise on the decision itself, but to offer advice on the wording of the decision notice.

Decision

The Sub-committee had considered carefully all of the documents presented to them and all of the oral and written representations made by the parties. The sub-committee had regard to the four Licensing Objectives, the Home Office Statutory Guidance and the Dorset Council (Purbeck) Statement of Licensing Policy.

Members noted the concerns of a number of local residents that the granting of this application will result in all four of the licensing objectives being undermined in some way. These objectives being:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

However, the sub-committee found insufficient evidence before them to find that those concerns would be realised.

The manner in which the applicant intended to operate the alcohol side of the business was unlikely to put at risk any of the licensing objectives. In this assessment the sub-committee had paid particular regard to the fact that the range of alcohol items would be limited to local products and would be targeted at customers wishing to buy such items as gifts.

Members found that the concerns expressed by those objecting to the application would be dealt with by the granting of the licence and attaching the conditions proposed.

The sub-committee therefore granted the premises licence in the terms sought by the applicant and attached the proposed conditions. These conditions were consistent with and tailored to the particular characteristics of the proposed business, as set out in the operating schedule, and were appropriate for the promotion of the licensing objectives.

The compliance with these conditions would ensure the licensing objectives were not undermined.

That is the Sub-committee's decision.

Review of Premises Licence

If a responsible authority or any person is concerned that one or more of the licensing objectives are being undermined they may apply to the authority for a review of the licence.

Right of Appeal:

A letter of decision shall be sent to all parties shortly after the meeting. Any party who wishes to appeal the decision has 21 days from the date of receipt of the letter to submit an appeal to Weymouth Magistrates Court, Westwey Road, Weymouth, DT4 8BS.

35. Urgent items

There were no urgent items to report

36. Exempt Business

There was no exempt business

Duration of meeting: 10.00 - 11.25 am

Chairman

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