



Licensing Sub-Committee

Date: Wednesday, 7 April 2021
Time: 10.00 am
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 3)
Councillors Emma Parker, Les Fry and Derek Beer

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Services 01305 224202 elaine.tibble@dorsetcouncil.gov.uk



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<https://youtu.be/1KpS4OjVZ1U>

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A G E N D A

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1 ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING

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To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.

2 APOLOGIES

To receive any apologies for absence.

3 DECLARATIONS OF INTEREST

To receive any declarations of interest.

4 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

5 COMMITTEE-REPORT-REVIEW-WOOD FIRED PIADIZZA

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Dorset Police have applied for a review of the premises licence for the Wood Fired Piadizza, licensed as Unit 5 Jessop House, Wimborne under section 51 of the Licensing Act 2003 on the grounds of public safety and the prevention of crime and disorder. The application has been out to public consultation and has attracted several representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

6 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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TEMPORARY LICENSING SUB-COMMITTEE HEARINGS PROCEDURE AND GUIDANCE

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and The Licensing Act 2003 (Hearings) Regulations 2005

This Temporary Procedure and Guidance notes makes provision for the conduct of local authority Licensing Sub-Committee hearings, held between 4 April 2020 and 7th May 2021, and for public and press access to these meetings and are made in accordance with Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The following points of clarification apply throughout:

- A reference to a “meeting of the Licensing Sub-Committee” or reference to a “place” where a meeting is held, includes more than one place, electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- Any reference to being “attend” “attendance” “present” at a meeting includes through remote attendance.
“Remote access” means remote access of public and press to a Council meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- A Member of the Licensing Sub-Committee who is a “Member in remote attendance” attends the meeting at any time if all of the conditions in subsection section 5(3) of The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are satisfied, which means the Member in remote attendance is able at that time—
 - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the Members in attendance,
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and

(iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

- Any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to be disconnected from the hearing, and may refuse that person to be reconnected, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

FOOTNOTE:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Department at Dorset Council and they will be provided with a full copy of the regulations on request.

LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
 - the members of the sub-committee in attendance
 - the council officers in attendance
 - the parties and their representatives in attendance
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions asking each person in turn if they wish to ask a question.
8. The Chairman will ask any person who has made representations, who has already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the public part of the meeting will conclude. The sub-committee will then consider its decision in private. The sub-committee will also have the Democratic Services Officer in remote attendance, and the Legal Advisor can be called upon to offer legal guidance.
11. The decision of the Licensing Sub-Committee shall be communicated to the parties and made available on the Council’s website as soon as practicable.

NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005, and the requirements of The Local Authorities and Police and

Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The remote meeting will be available to via web-link details of which will be set out on the agenda. However, the public can be excluded from all or part of the meeting by removal of remote access where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

Licensing Sub-Committee

7 April 2021

Review of Unit 5 Jessop House, Wimborne

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllrs S Bartlett and D Morgan

Executive Director: J Sellgren, Executive Director of Place

Report Author: Aileen Powell
Title: Licensing Team Leader
Tel: 01258 484022
Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

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 of: -

- 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 take into account the oral representations and information given at the hearing.

1. Executive Summary

Dorset Police have applied for a review of the premises licence for the Wood Fired Pizzeria, licensed as Unit 5 Jessop House, Wimborne under section 51 of the Licensing Act 2003 on the grounds of public safety and the prevention of crime and disorder. The application has been out to public consultation and has attracted several representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

2. Financial Implications

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

3. Climate implications

None

4. Other Implications

Public Health and Community Safety

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Medium

6. Equalities Impact Assessment

Not Applicable

7. Appendices

Appendix 1 – Application for the review

Appendix 2 – Premises licence

Appendix 3 – Representations from responsible authorities

Appendix 4 – Representations in support of the premises

Appendix 5 – Response by PLH to Representations

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

[EHRC - Guide to the Human Rights Act for Public Authorities](#)

Details

- 9.1. Dorset Police have applied for a review of the licence held by David Brown for Unit 5 Jessop House, Wimborne Minster, BH21 1JQ under section 51 of the Licensing Act on the grounds of public safety and the prevention of crime and disorder, specifically that the premises licence holder did not adhere to the regulations put in place to protect public safety during periods of restricted activity due to the coronavirus epidemic. The full application and supplementary information are attached at appendix 1.
- 9.2. The licence allows for the sale of alcohol for consumption on the premises only and recorded music between the hours of 09:00 and 23:30 and late-night refreshment up to 23:30. The current licence is attached at appendix 2.
- 9.3. The licence has a condition that states alcohol may only be served with a table meal.
- 9.4. Mr Brown has held the licence and been the Designated Premises Supervisor since June 2018.
- 9.5. The Review has been advertised on the premises and the Councils web site, and the responsible authorities were notified.
- 9.6. There has been a representation from Environmental Protection, which is attached at appendix 3.
- 9.7. There have been seven representations from people supporting the premises which are attached at appendix 4.
- 9.8. Mr Brown has responded to the comments made by the Environmental Health Officer by an email that is attached at appendix 5.

10. Considerations

- 10.1. Dorset Police are asking for consideration being given to the revocation of the licence as they consider this to be the only option that would sufficiently meet the concerns they have regarding this premises.
- 10.2. Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

9.42 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.

9.43 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.

9.44 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.

10.3. Paragraphs 11.17 and 11.18 of the guidance set out some specific advice to determining review applications; -

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring

improvement –either orally or in writing –that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11. Recommendation

11.1. Having considered everything before them the steps that the Sub-Committee may take are:

- a) Modification of the conditions of the licence
- b) Exclusion of a licensable activity from the scope of the licence
- c) Removal of the Designated Premises Supervisor from the licence
- d) Suspend the licence for a period not exceeding 3 months
- e) Revoke the licence

11.2. 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 of;

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Sergeant Gareth Gosling on behalf of the Chief Officer of Dorset Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Wood Fired Padizza Co. Unit 5 Jessop House	
Post town Wimborne Minster	Post code (if known) BH21 1JQ

Name of premises licence holder or club holding club premises certificate (if known)
David John BROWN

Number of premises licence or club premises certificate (if known)
PL0167

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
Telephone number (if any) 01202 227824
E-mail address (optional) licensing@dorset.pnn.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder. Specifically, that the premises is involved in activity that undermines this licensing objective by operating during a period of restriction due to the Covid-19 pandemic. Dorset Police no longer have confidence in the Premises Licence Holder.

Public Safety. Dorset Police have concerns regarding the ability and willingness of the Premises Licence Holder to protect the public through promoting the current legislation concerning the restrictions to certain businesses during the period of the Covid-19 pandemic.

The Premises Licence Holder is not exercising the levels of control necessary over the premises to ensure that the Licensing Objectives are being upheld.

Dorset Police and our partners have attempted to engage with the Premises Licence Holder, however, they seem committed to fail to meet their existing Premises Licence conditions whilst not upholding the legislation created to protect the public from harm caused by the Covid-19 pandemic.

Please provide as much information as possible to support the application (please read guidance note 3)

This application for a review of the premises licence for *The Wood Fired Pizzeria Company*, Unit 5, Jessop House, Wimborne Minster, is being submitted by Dorset Police on the grounds of the licensing objectives of the *Prevention of Crime & Disorder* and *Public Safety*.

It is and always has been the intention of *Dorset Police Drug & Alcohol Harm Reduction Team* (DAHRT) to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

In this instance, however, Dorset Police have received several reports of incidents and intelligence that suggest that the operators at *The Wood Fired Pizzeria Company* are failing to meet these objectives, giving rise to failing to meet existing legislation regarding business closures due to the global Covid-19 pandemic, resulting in an increase in the risk posed to public health.

In advance of providing details of the incidents and concerns that have led to this Application to Review the Premises Licence, I will explain how Dorset Police structure our engagement towards attempting to achieve improvements to licensed premises in a collaborative approach to achieve efficient improvements and avoid bringing concerns before the Licensing Sub-Committee where possible.

Dorset Police are generally advised of an incident or intelligence linked to a specific premise. In the first instance, isolated incidents or intelligence may not be corroborated or may be unreliable and we would therefore consider a premise at this stage to be of *Interest* to us. This might necessitate a letter to be sent to the DPS or indeed a visit from the local Policing Team or a Police Licensing Officer.

If our concerns are heightened in any way, either through corroborating the initial report/intelligence or we receive further reports from Police Officers or the public, then the premises will then be escalated and be of *Concern* to us. At this stage Licensing Officers and the Licensing Sergeant will discuss how it is most appropriate to manage the risk with the DPS and Premises Licence Holder during an arranged meeting. It is made clear at this time to the DPS/Premises Licence Holder that the premises are of concern.

If the premises continue to underperform or is failing to act on the concerns of Dorset Police, then the Licensing Officer will engage the support of the Licensing Authority and other agencies to determine a collaborative approach towards persuading the DPS/Premises Licence Holder to make improvements to their working practices. Whilst it remains the responsibility of the DPS/Premises Licence Holder to make improvements, suggestions are generally made by Dorset Police Licensing Officers and our partners as to the areas of concern to encourage improvement during this phase which we refer to as the *Problem-Solving Profile* stage.

Having received significant engagement and having been offered advice by Dorset Police and our partners, where appropriate, if the premises continue to underperform or continues to raise concerns then we will seek to escalate the premises to a phase we refer to as *Target*. This is overseen by the Drug & Alcohol Harm Reduction Team Inspector and is communicated to our partners and will include a period of collating evidence towards a *Review*. We will also meet with the DPS/Premises Licence Holder to ensure that they fully understand the position and that Dorset Police consider that their premises are not upholding the Licensing Objectives.

It is important to note that during any of the phases detailed above, Dorset Police seek to engage

the support and co-operation of the DPS/Premises Licence Holder to avoid a Licensing Sub-Committee Hearing. If this is not possible, then the premises will escalate to the final phase, referred to as *Review*, at which point the application is made to seek a Review of the Premises Licence.

There are occasions when the risk or nature of the concern does not allow all phases to be explored. This will generally be in serious cases where the Licensing Act 2003 supports an immediate escalation to a latter phase or where the nature of the incident casts immediate doubt over the ability of the premises to operate safely and lawfully. On these occasions, the evidence produced in support of the Review will generally be relatively current.

Due to the engagement that we undertake, where each or most of the phases of engagement have been explored in advance of the Review being submitted, it may be that some of the evidence being produced is up to 12 months (or in some cases longer) old. This should serve only to confirm that the premises have been underperforming over a sustained period despite structured engagement. We will endeavour to highlight the above phases of engagement chronologically throughout the document.

Where reference is made to the 'Covid-19 legislation' or 'Covid-19 restrictions', these are the restrictions imposed by the Government under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 as amended by the Health Protection (Coronavirus, Restrictions) (All Tiers and Self-Isolation) (England) (Amendment) Regulations 2021.

These regulations impose significant restrictions on businesses, particularly those in the entertainment and hospitality sectors. Restaurants and bars must be closed during this period, except for those offering food and/or alcohol for delivery and collection via click-and-collect arrangements during restricted times each day.

The enforcement of the regulations is led by the Local Authority; however, this is very much with the support of Police where required and consistently follows the principles of Engage, Explain, Encourage and Enforce only as a last resort.

On the 30th January 2021 Dorset Police received a report of a breach of the Covid-19 legislation from a concerned member of the public.

This person reported to Dorset Police that at 7.30pm that same day they had attended *The Wood Fired Pizzeria Company* and discovered there to be unmasked patrons drinking beer inside the premises. When the informant was seen by a member of staff to glance towards the people sat at the tables the member of staff immediately said to one group, "Your takeaway will be ready in a minute". One of the males sat in the group replied, "What takeaway?" before being nudged by his companion who then whispered in his ear, suggesting that he may not have answered the member of staff in the agreed manner. The informant observed a further table to be occupied by a male drinking what appeared to be beer.

A number of days following this report the informant advised that his partner had been passing the restaurant when she noticed a sign in the window stating words to the effect, "*If you see people eating and drinking inside it's because we are staff and family. Mind you own business*".

Because of this report this premises featured in the weekly multi-agency meeting which takes place to discuss and determine the most appropriate and proportionate action to be taken in respect of reports of breaches of the Covid-19 legislation to any partners participating in the weekly meeting.

It was decided that due to the potential severity of continued breaches and the risk that this posed to the public if it continued, that the premises would be considered as a '*Multi-Agency Intervention*' requirement and that a further visit would be conducted by Dorset Police in the first instance.

Another factor in the decision made for the premises not to be introduced at the *Interest or Concern* level was that the operator had previously been given engagement and advice concerning several reports of breaches of Covid-19 legislation at separate premises linked to them in Poole.

On the 6th February 2021 at 6.10pm PC 2765 Cotterill attended *The Wood Fired Pizzeria Company* premises and discovered there to be a male sat at the bar with a partly consumed glass of beer in front of him and a group of males sat together in a booth. He was greeted at the door by a member of staff who then referred him to a male who identified himself as David Brown, the registered Premises Licence Holder.

Body Worn Video footage of the encounter captures the conversation which then followed between PC Cotterill and Mr Brown. During this conversation it is apparent that Mr Brown is reluctant to facilitate access for PC Cotterill to the premises, on more than one occasion referring to PC Cotterill “trespassing” at the premises. There is of course a right to enter a premise for a Constable who believes that licensable activities are taking place and additional offences committed where someone obstructs a person from carrying out a function under the Covid-19 regulations.

Of most concern was the general approach taken by Mr Brown when responding to the suggestion that he had failed to meet the regulations. Mr Brown claimed that the Police Officer was not acting under relevant authority and that he was acting on behalf of a “corporation”. Mr Brown disputed that the Regulations were lawful and questioned the relevance of “Admiralty Law”.

It is clear from this interaction that Mr Brown was not receptive to the advice and information being conveyed to him. Instead, Mr Brown left PC Cotterill with the distinct impression that he intended to continue to operate otherwise than in accordance with the Covid-19 restrictions.

In relation to the male sat at the bar consuming a glass of beer, Mr Brown stated that this male was a “Delivery Driver”. There is the obvious concern that the driver is consuming alcohol whilst in employment as a driver, however, whilst this is not considered to be responsible behaviour, the level of consumption at the time of the visit is unknown.

Condition 12 of the premises licence states, “Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there”. It is clear from the statement made by Mr Brown that the individual had been present for work and not for the purposes of enjoying a meal. The Body Worn Footage also undermines this statement further when Mr Brown states that despite being initially present as a ‘Delivery Driver’, the male was no longer required as his responsibilities were being covered by other drivers. This would infer that the male was no longer present as part of his duty as a delivery driver.

In relation to the group of young adults who had been seated together inside the premises; they were identified by Mr Brown as being his “son and his flatmates”, stating that they “all live in the same household”. No suggestion was made that they lived in the same household as Mr Brown which infers that they were present in contravention of the Covid-19 legislation which do not allow groups from different households to mix other than in exceptional circumstances.

The obstructive demeanour of Mr Brown when PC Cotterill asked to speak with the group of young adults and the fact that the group exited the premises via a rear exit upon the arrival of PC Cotterill further infers that the group had not been present at the restaurant under one of the permitted exceptions of the Covid-19 legislation.

When determining the capability of a Premises Licence Holder to uphold the Licensing Act 2003 and the Licensing Objectives contained within, a requirement of holding Premises Licence, it is an expectation that Licence Holders conduct themselves in such a manner which provides the Licensing Authority with confidence that they will always consistently do so.

Mr Brown has made it clear in the Body Worn Footage that he does not recognise ‘Regulations’ and ‘Acts’ of Parliament to be law as they are considered ‘Admiralty Law’. Instead, Mr Brown favours Common Law, which is “the law of the land”.

Mr Brown made further attempts to explain his position with regards to the Government being a Corporation by explaining to PC Cotterill that he does not ‘own’ his vehicle, it is owned by DVLA who force him to pay Vehicle Tax.

This opinion and lack of respect would ordinarily result in conditions not being met and there being a risk of one or more of the licensing objectives being jeopardised. On this occasion, this blatant lack of respect for the efforts of Parliament to protect the public genuinely risks increasing the transmission of a potentially deadly virus to the residents of Wimborne.

The Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 states at 11.24 that in cases such as this the Licensing Authority should ‘*ensure the promotion of the crime prevention objective*’.

In doing this, Section 182 Guidance states at 11.26 that it is the Licensing Authority’s role to solely ‘*determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective*’.

Consideration should also be given to circumstances where activity has taken place ‘*despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence*’. We have illustrated above that it is indeed the Premises Licence Holder that is in daily control of the business with oversight over all aspects of the business. There is also concern that it is indeed the Premises Licence Holder that is encouraging the breaches to the conditions and failing to adhere to the Covid-19 legislation.

The Guidance envisages at section 11.28 that ‘*where reviews arise, and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered*’.

Careful consideration has been given to a Summary Review Application being made as the above might in some respects be considered Serious Crime.

Serious crime is defined in section 93(4) of the Police Act 1997 as:

Conduct which

(a) involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose or

(b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more.

The Licence Holder has demonstrated flagrant disregard for the Covid-19 legislation, placing the lives of others at risk, whilst facilitating others to do the same in pursuit of the common purpose of breaching the National lockdown. These actions will no doubt over time have resulted in the Licence Holder making a significant financial gain at a time when neighbouring businesses operating in the hospitality and entertainment sectors are struggling to remain solvent.

It is anticipated that an Application to Review the licence will be enough for the Licence Holder to cease this activity with immediate effect. If there is evidence of the continuation of prohibited activity, then an Application for a Summary Review will be submitted.

There can be no excuse for licensees failing to act to meet their licence conditions and promote public safety within their premises, particularly where their acts or omissions lead to significant harm and vulnerability. When considering the relevance of the review and the potential sanctions, if any, that the Sub-Committee may choose, it should be emphasised that Dorset Police and other partner agencies are working tirelessly to engage positively and improve standards within our licensed community, ensuring that licensees are adhering to the Covid-19 legislation as required and consider that the operating standards at *The Wood Fired Pizzeria Company* are falling far short of the level expected.

Dorset Police invite the Sub-Committee to consider all the options available to them under the Licensing Act 2003 with consideration to be given to revocation of the Premises Licence as we do not consider at this time that the other options available to the Sub-Committee would sufficiently meet the concerns that we have regarding this premises.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **17th February 2021**

Capacity **Police Sergeant**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**Licensing Act 2003
Premises Licence**

PL0167

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Unit 5, Jessop House

26 Mill Lane, Wimborne, Dorset, BH21 1JQ.

Telephone 01202 881038

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	9:00am	11:30pm
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	11:30pm
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	9:00am	11:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

David John Brown

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

David John BROWN



Licensing Act 2003

Premises Licence

PL0167

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BOPM009902

Issued by Poole

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;



Licensing Act 2003

Premises Licence

PL0167

ANNEXES continued ...

- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) a holographic mark, or
 - b) an ultraviolet feature.
- 6. The responsible person shall ensure that -
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iv. still wine in glass: 125 ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.



Licensing Act 2003

Premises Licence

PL0167

ANNEXES continued ...

8. For the purposes of the condition set out above -
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant persons” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

9. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 8 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE



Licensing Act 2003

Premises Licence

PL0167

ANNEXES continued ...

11. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
12. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

A handwritten signature in black ink, appearing to read 'P. ...'.

Business Licensing



Licensing Act 2003

Premises Licence Summary

PL0167

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Unit 5, Jessop House

26 Mill Lane, Wimborne, Dorset, BH21 1JQ.

Telephone 01202 881038

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	9:00am	11:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

David John Brown

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

David John BROWN

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Representation from Environmental Health

I agree with the concerns held by Dorset Police regarding the willingness of the Premise Licence Holder to protect the public through compliance with the range of Covid-19 related regulations that apply to The Woodfired Pizzeria Company.

Whilst the Premise Licence Holder continues to purposefully breach the requirements imposed by the Covid related regulations he continues to subject himself, staff and customers to the risk of contracting Covid-19 at The Woodfired Pizzeria Company. I have attempted to engage with the Premise Licence Holder both in person and by email to advise him of the requirements that he is failing to meet, and offer support to help him to comply.

On the first occasion, on 3.12.20 I visited the site to discuss 2 complaints the Food and Safety Team had received alleging that the premises was not adhering to several of the Covid Secure regulations. On site, I had a conversation with the Food Business Operator(FBO)/Premise Licence Holder outside the premises. I explained the purpose of my visit and advised that I wanted to discuss the allegations with him. He refused to engage with me, used foul language and walked back into the premises.

On the 11.2.21 we received a further complaint from Dorset Police, advising that the FBO was allowing people into the premises to drink, and was not operating solely as a takeaway, so was in clear breach of the current Covid lockdown regulations. On receipt of this information I wrote to the FBO to advise him why he was in breach of the regulations, and that further breaches may result in formal action by this department. The FBO replied to my correspondence, requesting that I provide photographic evidence of any breaches of legislation before threatening his business, and did not appear to take on board any of the advice or information that he has been provided with thus far.

Please ask if you require any further information. Many thanks, Claire

Claire Easton

**Environmental Health Officer (Food,
Safety and Port Health)**

Environmental Health

Dorset Council

[01202 228983](tel:01202228983)

dorsetcouncil.gov.uk

Appendix 4 – Support for the Premises

1	<p>I have just noticed that Dorset Police have applied for a review of a 'premises licence' in respect of Woodfired Pizzeria Company, 26 Mill Lane, Wimborne BH21 1JQ '...on the grounds of prevention of crime and disorder and public safety'.</p> <p>I really had to re-read that last sentence.</p> <p>Briefly, I have been a fairly regular customer of the Pizzeria ever since it first opened and value it so highly I recommend it to friends, family and even my private clients.</p> <p>In all the times I've been there I have never once witnessed (or even heard of) any incident that could even remotely be described using the language of the 'grounds' mentioned above.</p> <p>Even when they were busy (pre The Plague) on say, Friday or Saturday evenings there was never any discernible tensions, or 'atmosphere' if you like.</p> <p>The customers were mostly family groups and, sometimes later on, couples out for the evening and generally having a good time.</p> <p>When the restrictions began last year they probably lost about 30-40% of their seating capacity as the venue is long and thin with little scope for rearranging the tables. Fair enough. I continued to attend and the numbers were definitely down as some people were afraid to go out. The atmosphere within was much the same, though probably a little more subdued than before.</p> <p>Since lockdown began last year they have been somehow surviving on delivering pizzas and selling 'takeaways'.</p> <p>The point is that, for the life of me, I really cannot see what they may have done that could in any way annoy or otherwise involve the police.</p> <p>Sorry about going on, but I really thought you should know how I feel about this.</p>
2	<p>I am a regular customer of the Wood Fired Pizzeria in Wimborne, and am writing to object to the proposed review of a premises licence. Dave and his family have been working hard for years to grow their business, and have done all they can to keep their business running safely during the Covid pandemic, including offering a takeaway and delivery service, and adhering to social distancing guidelines. It would be very detrimental to their business to have their alcohol licence taken away, It is a very difficult time for many small businesses, and I feel that the council should be doing all they can to support small businesses who are the lifeblood of the local economy. I know that I speak on behalf of many local people in Wimborne.</p>
3	<p>Let me give you a little introduction into myself my name is xxxxx and I've been living in the area for 25 years. Enjoying all that Wimborne has to offer, including the the Woodfired pizza establishment on Mill Lane.</p> <p>It's been brought to my attention you have issues with public safety and I would just like to share my thoughts with you.</p> <p>I was surprised to see you have an issue with safety, because I've been going to Woodfired pizza for over 2 years I have always found the staff polite enthusiastic and very helpful. The rules, that are set out by government have changed throughout the year and during these changes I have always felt very safe dealing with this restaurant, with hand sanitizer and perspex screens in place and being asked to wait outside for a space to open up in the waiting area. It was very reassuring.</p>

4	<p>We have have collected pizza from the woodfired Piadizza Wimborne on many occasions during the pandemic and have never had any problems with the staff not adhering to the covid rules.I dont understand why Dorset Police are questioning the owners alcohol licence as they have not allowed any customers in drinking only to go in and collect meals. This seems to me that they are victimising the small man . There are several businesses in Wimborne that are blatantly breaking the covid rules , why are the police not taking action against them? Wimborne has so many shops closing why is the institution not encouraging businesses that are trying to survive during these difficult times? It baffles me!! Just hope you se sence.</p>
5	<p>I am emailing you with regards to the licensing issues of the Wood Fired Piadizza Co in Wimborne. I work at the restaurant and can say I have never felt un safe or that my boss has asked me to do anything that would put myself or customers at risk. We have been operating as takeaway only, as well as having screens and sanitizers on display and taking people's track and trace details (also we display the QR codes for people to scan themselves, we have two of these clearly situated by the main doors).</p> <p>When the guidelines stated that we could have customers inside to dine we followed all the rules, only having bookings of six and asking people if they were from the same bubble/house hold. This was even met by un happy customers as I experienced myself when refusing large bookings, not allowing more drink once food was consumed (when it was guidelines that people must have a substantial meal for a drink) and when asking people to leave when there was the 10pm curfew. We work hard to provide a great and safe service to our customers in what has been a challenging time to say the least.</p>
6	<p>I was very surprised to see the said public notice regarding the licensing issue of PIADIZZA. My family and I are, and have been regular patrons of the takeaway pizza and other food items from PIADIZZA for roughly the last 3 years. Especially during the covid pandemic over this last year, when this service has been allowed. Thank goodness, they (Piadizza) have maintained their service to the community during this very stressful time. I don't know how my wife and I would have coped with the mundane job of home cooking every night, having very few take away options in Wimborne.</p> <p>I am not sure what public disorder or crime has been committed during this covid period by/or at PIADIZZA, or exactly what the Police are complaining about that warrants this public notice. I have personally not seen or experienced any. As far as Covid related issues are concerned, I have not felt whilst waiting for the food to be ready for collection, insecure or unsafe about the manner in which Piadizza have conducted their business, carrying out covid protocols and social distancing. I have witnessed, that all Piadizza employees, have maintained strong covid cleaning regimes, whilst I have been there.</p> <p>It would be unfair to revoke or consider changing their licence status. They have been one of the few private small business's in the service industry, that have remained open and have furthermore survived during this pandemic. They are also one the few companies in Wimborne, that have tried to keep all their clients happy. We should be supporting and promoting them. We need more of these business's with proactive owners, going forward,</p>

	<p>not less. This to keep us all going, when things open up again. By the grace of God, I really do look forward to this happening soon.</p> <p>Please feel free to contact me should you need any clarity.</p>
7	<p>I have been working in The Woodfired Pizzeria since its opening and since the covid pandemic I have never had any concerns that Mr. Brown has not been following the government guide lines to the letter.</p>

Appendix 5 - Response to Representations

This is absolutely not true, yes I did use foul language when Claire visited first time but not to Claire it was my frustration at both of my premises being complained about at the same time which we all established was malicious, I apologised for the use of the language when she came in with her supervisor and the 2 police constables on her second visit.

We have not continually breached the regulations at all we have followed the rules and guidelines, we have screens, sanitiser, track and trace, QR codes and when Claire came in with her supervisor and 2 police officers we explained how we spaced customers out and asked them on entry if they were from the same house hold or support bubble and all 4 of them said they were happy with how we were following the guidelines so I'm dumb founded how she would make a statement stating the contrary,

The complaint on the 11/2/2021 was by someone that had walked past and seen a snap shot of something, the guy at the bar watching rugby is a delivery driver, as I have explained, and the lad eating was my son who had come in for dinner, am I not allowed to feed my children at my business? Yes I did ask for photographic evidence as anyone would when claims are made against them, I'm still waiting for that evidence as I'm still waiting for the transcript of the conversation between police and customers at my other premises, also I spoke to Claire on the phone about this and we both established that the claim was malicious as we didn't have any customers enter the restaurant on the week of the allegation we only did takeaway, we had one person come in for pizza on the Thursday a regular that sat at table 10 and that was it all week.

Claire has completely failed to mention below her second visit with her supervisor an 2 accompanying police constables, all 4 of them were asked to complete track and trace and only the two police constables did so, Claire also said that when compiling track and trace we MUST obtain name, address, phone number and email from anyone entering, which isn't true, we consulted the government website that's states an email should be obtained if a phone number could not be.

Many Thanks

The Wood Fired Pizzeria Co

Appendix 6 – Comments from Planning

The 14/0889/FUL application seems to be the latest one at the premises. This is the current planning permission for the premises which has the following condition in:

The premises shall be used for purposes falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), including ancillary hot food takeaway and ancillary hot food home delivery service.

Reason: To allow the Local Planning Authority control over the use of the site in the interests of the amenity of nearby residents.

The then Class A3 uses may sell alcohol in terms of the planning permission if it is ancillary to their primary use (i.e. in this case a restaurant), but in the case of the premises, if the use changed to the predominant sale of alcohol, then planning permission would be needed given this condition.

Kind regards,

Claire Hicks
Planning Officer
Economic Growth and Infrastructure
Dorset Council

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