

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 19 AUGUST 2024

Present: Cllrs Derek Beer, Louise Bown and Les Fry

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

Philip Crowther (Legal Business Partner - Regulatory), Aileen Powell (Licencing Team Leader), John Miles (Democratic Services Officer) and Matthew Turnbull (Democratic and Electoral Services Apprentice)

Also present: Ms O’Nions (Area Manager), Mr Cushion (Solicitor) and Cllr Wheeler (Town Council).

69. Election of Chair and Statement for the Procedure of the Meeting

Proposed by Cllr Les Fry, seconded by Cllr Derek Beer.

Decision: that Cllr Louise Bown be elected Chair for the duration of the meeting.

70. Apologies

Apologies for absence were received from Cllrs Jill Haynes and Matt Bell, Substituted by Cllrs Derek Beer and Les Fry.

71. Declarations of Interest

Cllr Louise Bown declared that she used to work for Majestic Wines in 1995.

72. Urgent items

There were no urgent items.

73. New Licence Application – Majestic Wines, Wimborne

The Licensing Team Leader outlined the licence application to consider a new premises licence in Wimborne for a Majestic Wines Store. Many of the objections related to hours that nearby Majestic Stores close. She highlighted the surround stores opening and closing times.

The Solicitor, Mr Cushion spoke on behalf of the applicant. He covered the background of Majestic Wines which had 208 stores and had been operating since 1980. He informed that the application was purely for off sales between 0800 and 2300 daily and no threat to the licensing objectives. He had never had to deal with any issues associated with the business that related to licensing objectives. The

stores would cater to customers that wanted to stock up on wine for the holidays or a party at home. There were very few transactions per day and the busiest times were late-morning and early evenings as people leave work. He did not believe that the premises would lead to noise issues as deliveries would be 10 am to 6 pm, in the middle of the working day and not unsociable hours. The applicant did not want to trade until 2300 each day but the application was made in line with company police to allow for occasional events such as, wine tasting.

In response to questions, Mr cushion explained that the store sold beer in minimum packs of 4. He would communicate with local residents opening hours when making future applications and the usual closing hours would be 7 and 8 for most days and 5pm on Sundays and bank holidays.

Cllr Wheeler on behalf of Wimborne Town Council expressed that he would like the premises to keep to the normal opening hours and was reassured by what he had heard.

All parties were given the opportunity to have their say and sum up.

Decision:

To GRANT a Premises Licence with the usual mandatory conditions and the conditions consistent with the Operating Schedule to permit the following:

Sale of alcohol (off the premises):

Monday to Sunday 0800 to 2300 hours

Conditions consistent with the Operating Schedule

1. A CCTV system will be installed at the premises, be maintained in good working order and used at all times the premises remain open to the public for licensable activities.

Any CCTV footage shall be kept for at least 28 days and be made available to the Licencing Authority or a responsible Authority on request.

2. All staff will be trained in the law relating to the sale of alcohol and to require, where necessary, appropriate proof of age. A Challenge 25 or similar policy will be implemented or enforced at all times. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification (eg passport, driving licence or PASS accredited card). Any incidents of refusal on the grounds of age of a would be purchaser to be recorded in the "incident book" [which shall be made available to the Licencing Authority or a responsible Authority on request].

Mandatory conditions

1. Supply of Alcohol (s19(2)&(3))
No supply of alcohol may be made under the premises licence –

(a) at a time when there is no designated premises supervisor, or
(a) at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.
Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (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 on 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.
3. 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.
4. For the purposes of the condition set out in paragraph 3—
 - (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 person” 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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

5. Where the permitted price given by Paragraph (b) of paragraph 4 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.
6. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 4 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.

74. Exempt Business

There was no exempt business.

Duration of meeting: 2.05 - 2.25 pm

Chairman

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