



Licensing Sub-Committee

Licensing Act 2003 – Application for the review of a premises licence – Angola '76, Mustons Lane, Shaftesbury, SP7 8AD

Date of Meeting: 24 September 2019

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

Local Member(s): Cllr Derek Beer and Cllr Tim Cook

Executive Director: John Sellgren, Executive Director of Place

Executive Summary:

An application for the review of a premises licence has been made by Dorset Council as the Licensing Authority.

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 take such steps as described below as it considers appropriate for the promotion of the licensing objectives:

- Modify the conditions of the licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the designated premises supervisor;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence;
- Issue a written warning to the licence holder
- Dismiss the application

and give reasons for the decision.

Reason for Recommendation:

Dorset Council Scheme of Delegation.

Appendices:

- 1 – Application form & Supporting Documents
- 2 – Representations
- 3 – Responsible Authority Representations
- 4 – Statement from the Licence Holder

Background Papers:

None

Officer Contact:

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1. Further Information

- 1.1 Angola '76 is a single storey café/bar and music venue with a beer garden located within an area of mixed commercial and residential use in Shaftesbury. It currently benefits from premises licence NDPL0473 a copy of which is included within the supporting documentation attached as appendix 1 to this report.
- 1.2 Following the receipt of complaints, the service of a warning letter and noise abatement notice by the council's environmental health service and a refusal of planning permission for the use of the premises the council as the licensing authority has made an application for a review of the premises licence.
- 1.3 The ground for the review is the failure to promote the licensing objective of the prevention of public nuisance. Specifically the noise of music escaping from the premises.
- 1.4 Representations have been received from 10 interested parties and copies of these representations are attached at Appendix 2. Six of the representations relate to three of the four licensing objectives, the prevention of crime and disorder, the prevention of public nuisance and public safety. Three other representations has been made in support of the venue along with a petition organised by the premises management.

- 1.5 Representations have also been received from the council's planning service and the council's environmental health service. Copies of these representations are attached at Appendix 3.
- 1.6 The licence holder has submitted a statement in response to the application and this is attached at Appendix 4.
- 1.6 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.
- 1.7 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.
- 1.8 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 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."
- 2.3 At paragraph 11.20 the statutory guidance states in respect of determining the application "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the

representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

- 2.4 With regard to the modification of conditions or exclusion of licensable activities the statutory guidance at paragraph 11.23 states “But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

3. Dorset Council (North Dorset) Statement of Licensing Policy

- 3.1 The council’s statement of licensing policy at 4.1.1 clarifies that “The role of the Council as a licensing authority is to hold a balance between the needs of the licensing, entertainment and food industries and the needs of residents and visitors to the District.”
- 3.2 At paragraph 5.3.1 the council’s statement of licensing policy states that “The Licensing Authority shall consider applications based on the applicant controlling entertainment and customer behaviour whilst in their direct control. What may occur when customers are beyond that control is generally not a matter for consideration.”