

Licensing Sub-Committee

26 November 2020

Variation to the Premises Licence for Kings Stores, Weymouth

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllrs K Wheller, B Heatley and C Sutton

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 determine 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

An application has been made to vary the times and remove a condition of the premises licence for the King's Store in Weymouth. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and the 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: Low

Residual Risk: Low

6. Equalities Impact Assessment

Not Applicable

7. Appendices

[Appendix 1 - Current Licence](#)

[Appendix 2 - Application](#)

[Appendix 3 - Representations](#)

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

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

9. Details

- 9.1. Mrs Sivasanthini Vicknarajah has held the licence for a shop at 1 Gordon Row, Chapelhay, Weymouth since it was transferred to her in October 2017. She is also the Designated Premises Supervisor named on the licence.

9.2. The current licence allows for the supply of alcohol by way of off sales only:-

Monday to Saturday	06:00 - 22:00
Sunday	08:00 - 21:00

9.3. The licence was granted subject to the conditions that were consistent with the operating schedule attached to the initial application. The current licence is attached at appendix 1.

9.4. Mrs Vicknarajah has applied to vary the premises licence to allow for the supply of alcohol by way of off sales only;-

Every day	06:00 - 23:00
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And to remove condition number 10 from the licence which states:

“No super-strength beer, lagers, ciders or spirit mixtures of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.”

The full application is attached at appendix 2.

9.5. The application has been advertised on the premises, in a newspaper and the Councils web site.

9.6. One representation has been received from a responsible authority, namely Dorset Police, and one representation has been received from a member of the public. The representations are attached at appendix 3.

9.7. For a representation to be relevant it must relate to one of the four 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

Representations relating to underage sale and anti-social behaviour in the neighbourhood do relate to one of the objectives and are therefore relevant.

9.8. The current pandemic is a temporary situation that is covered by Government Regulations to control the behaviour of people in response to the coronavirus. The Section 182 Statutory Guidance states at paragraph 1.19 that “licence conditions should not duplicate other statutory provisions”, so matters relating specifically to the current restrictions should not be taken into account when considering this permanent variation application.

- 9.9. If any part of a representation does not relate to one of the four licensing objectives it cannot be considered as a relevant representation under the Licensing Act 2003.

10. Recent History

- 10.1. The licensing team visited the premises three times in the past 6 months and sent out four letters relating to compliance with conditions on the licence. At the last visit on 16 September officers found that the premises were fully compliant with their conditions and had addressed and rectified all matters raised in the previous visits.

11. Considerations

- 11.1. 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.

12. Recommendation

12.1. 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.

12.2. The steps that the Sub-Committee may take are:

- a) modify the times and/or the conditions of the licence, or
- b) reject the whole or part of the variation.

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.