

# **Licensing Sub-Committee**

## **13 January 2021**

### **Variation for the Café on the Square, 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**

An application has been made to vary the licence at The Café on the Square in Wimborne. The application has been out to public consultation and has attracted 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: Low

Residual Risk: Low

## **6. Equalities Impact Assessment**

Not Applicable

## **7. Appendices**

Appendix 1 – Premises licence

Appendix 2 – Application for the variation

Appendix 3 – Representations

Appendix 4 – Response to 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. Victoria Spooner and Terry Ockenden are the holders of the premises licence for The Café on the Square at 3 The Square in Wimborne which currently allows the sale of alcohol on the premises: -

Monday to Saturday	11:00hrs to 19:00
Sunday	11:00hrs to 17:00

The current licence is attached at appendix 1.

- 9.2. They have applied to vary the licence to add off sales to the licence and to extend the times alcohol can be sold to: -

Every day	11:00 to 23:00
-----------	----------------

The full application is attached at appendix 2.

- 9.3. The application has been advertised on the premises, in a newspaper and the Councils web site.
- 9.4. Three representations have been received from the Town Council and residents who live in the vicinity of the premises. Comments have also been made by the planning and highways teams. Both the representations and the comments are included in full in the table in appendix 3. The representations all relate to public nuisance.
- 9.5. Vicky Spooner has responded to the representations by email which is attached in full at appendix 4.

## **10. Considerations**

- 10.1. 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.*

## **11. Recommendation**

- 11.1. 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.
- 11.2. The steps that the Sub-Committee may take are to:
- a) modify 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.