

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

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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.