

# Licensing Sub-Committee

## 2 July 2021

### New Premises Licence Application for Last Post, Dorchester

#### For Decision

**Portfolio Holder:** Cllr J Haynes, Customer and Community Services

**Local Councillor(s):** Cllrs L Fry and A Canning

**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 consider the oral representations and information given at the hearing before reaching a decision.

#### 1. Executive Summary

An application has been made for a new premises licence for the Last Post in Dorchester. The application has been out to public consultation and has attracted a relevant representation. 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 – Application

Appendix 2 – Representations from Responsible Authorities

Appendix 3 – Representation from Resident

Appendix 4 – Conditions Consistent with the Operating Schedule

## **8. Background Papers**

[Licensing Act](#)

[Live Music Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

[LGA Councillors Handbook](#)

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

## **9. Details**

9.1. Glenn Chadwick has applied for a premises licence at the Last Post Unit 1, 43 South Street, Dorchester, DT1 1DH for a ten-year period ending on 1 June 2031.

9.2. The description of the premises within the application form is that it will be a café/bar serving food and drink inside and outside. The full application and plan for the premises is attached at appendix 1.

9.3. The premises was previously licensed under the name of Dunovaria between July 2013 and October 2015 when it was suspended. That licence allowed for the sale of alcohol between 08:00 and 23:59 every day of the week, and up to 00:30 on Christmas Eve and New Year's Eve.

9.4. The application is to permit the on and off sales of alcohol: -

Every Day	08:00 to 23:59
Christmas Eve/New Year's Eve	08:00 to 01:00

With all forms of regulated entertainment (except boxing and wrestling): -

Every Day	08:00 to 23:00
Christmas Eve/New Year's Eve	08:00 to 01:00

And Late-Night Refreshment, inside and outside: -

Every Day	23:00 to 23:59
Christmas Eve/New Year's Eve	23:00 to 01:00

The regulated entertainment is for indoors only as Mr Chadwick has agreed to withdraw that part of the application for live and recorded music outside. He has also agreed that all regulated entertainment will finish by 23:00 and not 23:59 as stated on the application.

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

9.6. Two representations were originally received from the responsible authorities, namely the Police and Environmental Health. Following their representations Mr Chadwick has agreed to extra conditions being added to any licence if it is granted and both responsible authorities have withdrawn their objections. The representations and the responses from Mr Chadwick are attached at appendix 2.

9.7. One Representation from a member of the public remains and is included in full at appendix 3, together with the response from Mr Chadwick.

9.8. The conditions that are consistent with the operating schedule and the conditions suggested by the Police and EH are attached 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.”*

10.3. The Live Music Act 2012 allows any premises with a licence that allows the consumption of alcohol on the premises to have live amplified music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people. The Legislative Reform (Entertainment

Licensing) Order 2014 has amended the Licensing Act so that there is a similar provision for recorded music, and also states that any conditions relating to any of this entertainment would not have any effect between 8am and 11pm. There is a safeguard within the Licensing Act that at a Review hearing the provisions of the Live Music Act could be disapplied.

## **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:

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

### **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.