

# Licensing Sub-Committee

11 August 2021

## Application to Vary the Premises Licence for the Rising Sun, 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 consider the oral representations and information given at the hearing before reaching a decision.

### 1. Executive Summary

An application has been made to vary the premises licence for the Rising Sun in Wimborne. 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 – Current Licence

Appendix 2 – Application

Appendix 3 – Representation

## **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. Hall and Woodhouse have applied to vary the premises licence PL0155 for the Rising Sun, 38 East Street, Wimborne, BH21 1DX.

9.2. The premises licence is attached at appendix 1 and currently allows for; -

**Alcohol to be supplied on and off the premises**

Sunday to Thursday 10:00 to 23:00

Friday to Saturday 10:00 to 00:30

With an additional half hour for special days.

**Regulated Entertainment**

Sunday to Thursday 10:00 to 00:00

Friday to Saturday 10:00 to 01:00

With an additional half hour for special days.

**Late Night Refreshment**

Sunday to Thursday 23:00 to 00:00

Friday to Saturday 23:00 to 01:00

With an additional half hour for special days.

9.3. The application is to change the plan of the area that is licensed to include a larger external area. There are no changes sought to the existing times on the licence, or any of the conditions currently attached to the licence. The application is included in full at appendix 2.

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

9.5. Eight representations have been received objecting to the application. The representations all relate to the licensing objective of "the prevention of public nuisance". The full representations are attached at appendix 3.

## 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:

- 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.