

LICENSING SUB-COMMITTEE

19 August 2024

New Licence Application – Majestic Wines, Wimborne

For Decision

Cabinet Member:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllrs S Bartlett and D Morgan

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for a Majestic Wine Store in Wimborne. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

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 all the written representations, the oral representations, and any information given at the hearing before making a decision.

1. Background

1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.2 All applications and decisions are made with due regard to the [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).

2. Details of the Application

2.1 Majestic Wine Warehouses Ltd has applied for a new premises licence under section 17 of the Licensing Act 2003 for Majestic Wines at 7 West Borough, Wimborne Minster, BH21 1PR. The application form is attached at Appendix 1.

2.2 The premises will be a: -

one floor warehouse style layout operating as a retailer selling a mixture of beer, wine, champagne and spirits.

2.3 The application is for; -

The Sale of Alcohol (on and off the premises)

Everyday 08:00 to 23:00

2.4 The application includes statements in the operating schedule at section M that There will be a CCTV system in operation with footage kept for 28 days, that there will be a incident book and that staff will be trained in the underage sales policy. A schedule of conditions that would be consistent with the operating schedule at section is attached at Appendix 2.

3. Responsible Authorities Representations

3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.

3.2 Environmental Health responded that they had no objection to the application. Dorset and Wiltshire Fire Service had no adverse comments and Dorset Council

Children's Services responded that they had no concerns regarding the application.

- 3.3 No representations from any of the remaining Responsible Authorities have been received.

4. Representations from Other Persons

- 4.1 There has been one representation from the Town Council.

Object – Wimborne Minster Town Council have been asked to consider a licence application for Majestic Wines that proposes to sell alcohol until 11 PM. Upon review, we note that other Majestic Wines stores generally close by 8 PM, with a few exceptions extending to 9 PM at the latest. Given this, we are unclear why a later closing time is being requested for the Wimborne location.

We have concerns that allowing sales until 11 PM could lead to increased anti-social behaviour, street drinking, and litter, particularly in a predominantly residential area. Therefore, the Town Council objects to this application and suggests that the licence be brought in line with the standard closing times of other Majestic Wines stores, ideally no later than 8 PM.

- 4.2 Representations have also been received from eight residents of Wimborne objecting to the hours proposed in the application, which they contend will cause anti-social behaviour in the vicinity of the premises. The full representations are attached at Appendix 3.

- 4.3 The Applicant's solicitor's response to the representations is attached at Appendix 4 and has been circulated to all of the parties.

5. Relevant Sections of the Licensing Act 2003

- 5.1 Section 4 sets out the general duties of the Licensing Authority; -

(1) A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.

(2) The licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

(3) In carrying out its licensing functions, a licensing authority must also have regard to—

- (a) its licensing statement published under section 5, and
- (b) any guidance issued by the Secretary of State under section 182.

6. Relevant Sections of the Statutory Guidance issued under Section 182

6.1 Paragraphs 1.2, 1.4 and 1.5 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in December 2023 (The Guidance) sets out the Licensing Objectives and aims; -

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

6.2 Paragraph 1.16 of the Guidance sets out how conditions should be formulated; -

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but

- may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

6.3. Paragraph 1.19 states; -

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

6.4 Paragraphs 9.42 – 9.44 of the Guidance set out how the Licensing Authority will determine an application; -

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.

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.

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.”

Options

6.1 The members of the Sub-Committee will determine the application in the light of all of the written representations and any oral evidence given at the hearing. They will take such steps as they consider 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

6.2 The steps that the Sub-Committee may take are to: -

- 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.

7 Financial Implications

Any decision of the Sub Committee could lead to an appeal by any of the parties involved that could incur costs.

8 Natural Environment, Climate & Ecology Implications

The Council is under a general duty to consider the impact any decision will have on the Natural Environment, Climate and local ecology.

9 Well-being and Health Implications

None

10 Other Implications

None

11 Risk Assessment

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

12 **Equalities Impact Assessment**

Not applicable

13 **Appendices**

Appendix 1 - Application and Plan

Appendix 2 - Conditions

Appendix 3 - Representations

Appendix 4 - Response from Applicant

14 **Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)