

# LICENSING SUB-COMMITTEE

22 August 2024

## Licence Review – Butchers Dog, 6 East Street, Wimborne

### For Decision

**Cabinet Member:**

Cllr G Taylor, Health and Housing

**Local Councillor(s):**

Cllrs Bartlett and Morgan

**Executive Director:**

Jan Britton, Executive Lead for Place

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**Report Status:** Public

**Brief Summary:** An application has been made by Dorset Police to review the premises licence at the Butcher Dog, 6 East Street, Wimborne. A Licensing Sub Committee must consider the application and representations from all parties 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 [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) and the [Dorset Council Statement of Licensing Policy](#).

## 2. Details of the Review Application

2.1 Dorset Police have applied to review the premises licence for Butchers Dog, 6 East Street, Wimborne, BH21 1DS, under section 51 of the Licensing Act 2003. The application form is attached at Appendix 1.

2.2 The review is made under the licensing objective of the prevention of Crime and Disorder on the grounds that; -

there is evidence that this premises has breached conditions attached to the premises licence on several occasions.

Public Safety

Additionally, the breach of conditions and the failure to manage the safety of the public was not recognised by the management of this premises despite advice being offered by Dorset Police

Dorset Police are concerned that the DPS and Premises Licence Holder are failing to uphold the licensing objectives at this premises.

## 3. The Licence

3.1 The Licence was originally held by John Hewitson, who was also the Designated Premises Supervisor (DPS). Following the submission of the review, the premises licence and DPS were transferred to Miss Laura Green. Mr Hewitson had held the Premises Licence for the Butchers Dog since 2016.

3.2 The licence allows currently allows:

Sale of alcohol (on and off the premises)  
Sunday to Thursday 1100 – 2300 hours  
Friday to Saturday 1100-midnight

Premises opening hours:  
Sunday to Thursday 1100-2330 hours  
Friday to Saturday 1100-0030 hours

- 3.4 A copy of the premises licence is attached at Appendix 2.
- 3.5 The current Premises Licence Holder, Laura Green, has written a personal statement to the police regarding the content of the review. The statement and e-mail correspondence between Miss Green and Dorset Police is attached at Appendix 3.
- 3.6 Following the statement from Laura Green, mediation has been taking place between Dorset Police and Miss Green. An agreement has been reached between the two parties on a number of amendments to the current conditions on the premises licence alongside some changes to the operation of the premises, the e-mail can be found at Appendix 4:

A minimum of 1 x SIA Door Supervisor to be present at the premises from 2100hrs until all customers have dispersed from the area for both Friday and Saturday evenings of the Wimborne Music Folk Festival and for a written Risk Assessment to be completed for all other occasions. The written assessment does not need to be individual dates and can apply as a 'standard' policy, however, will need to be regularly reviewed to ensure that it remains relevant.

All staff undertake training every 6 months and that records of such training will remain available for inspection by Police or Authorised Persons

#### **4. Responsible Authorities Representations**

- 4.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on every application. 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.
- 4.2 Dorset Council's Planning Team made the following comment:
- Dorset Council Local Planning Authority (LPA) have the following comments to provide which may be of interest. On 10th October 2022 DC LPA issued a Breach of Condition Notice on the premises preventing use of rear garden for pub customers. The BOC Notice came into effect on 15th November 2022 but prior to that the LPA were contacted by the Landlady Laura Green to say they had closed rear garden and put a notice on the inside of the door making it clear that the rear garden was out of bounds for pub users. No reports have been received since that date to say further breaches have taken place.
- 4.3 The e-mail from Planning can be found at Appendix 5.

- 4.4 There were no other representations from any of the remaining Responsible Authorities.

## **5. Representations from Other Persons**

- 5.1 There have been 31 representations in support of the premises licence holder. These representations are from current customers of the premises. The representations are attached at Appendix 6.

## **6 Relevant Sections of the Licensing Act 2003**

- 6.1 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.

- 6.2 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 amended the Licensing Act so that there is a similar provision for recorded music, and states that any conditions on a premises relating to any of this entertainment would not have any effect between 8am and 11pm.

## **7 Relevant Sections of the Statutory Guidance issued under Section 182**

- 7.1 Officers have identified the following paragraphs of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in December 2023 (The Guidance) to be of particular relevance; -

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

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.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objective

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary

changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **8 Options**

8.1 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.

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

- a) Take no action.
- b) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
- c) Exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
- d) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- e) Suspend the licence for a period not exceeding three months.
- f) Revoke the licence.

## **9 Financial Implications**

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

## **10 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.

## **11 Well-being and Health Implications**

None

**12 Other Implications**

None

**13 Risk Assessment**

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

Current Risk: Low

Residual Risk: Low

**14 Equalities Impact Assessment**

Not applicable

**15 Appendices**

Appendix 1 - Application for review

Appendix 2 – Copy of the current licence

Appendix 3 – Statement from PLH & correspondence between PLH and Police

Appendix 4 – Mediation between PLH and Police

Appendix 5 - Comments from Planning

Appendix 6 - Representations supporting the premises

**16 Background Papers**

[Licensing Act 2003](#)

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

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