

**Branch BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 03 March 2021 at 10.00 am

Present:-

Present: Cllr J J Butt, Cllr B Dion and Cllr T Johnson

63. Election of Chairman

RESOLVED that Councillor J Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

64. Apologies

There were no apologies for absence.

65. Declarations of Interests

There were no declarations of interest.

66. Malinka Market, 586-588 Christchurch Road, Bournemouth BH1 4BH

Attendance:

Cllr J Butt – Chair of the Sub-Committee
Cllr B Dion – Sub-Committee member
Cllr T Johnson – Sub-Committee member

Sarah Rogers, BCP Licensing Officer
Johanne McNamara, BCP Legal Advisor to the Sub-Committee
Joseph Tyler, BCP Clerk to the Sub Committee

Devon Small – Solicitor for the agent representing the applicant.

Eva Zabarylo – Other person speaking to her written representation.

Philip Day representing the following other persons:-

Anna Migdal-Plewa and Maciej Plewa

Kevin Tapscott

Steve Butterworth

Rosanna Bravoso

Alexandra Mackiewicz

Cllr J Kelly – Ward Councillor.

Cllr D Farr – Reserve Member / Observing for training purposes
Cllr G Farquhar – Reserve Member / Observing for training purposes
Cllr S Anderson – Observing for training purposes
Cllr L Williams – Observing for training purposes

The Chair, Cllr Judes Butt, made introductions and explained the procedure for the hearing which was agreed by all parties.

The Senior Licensing Officer presented a report, a copy of which had been circulated to all parties and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub-Committee was asked to consider an application for a new premises licence dated 30 December 2020 for a new supermarket store known as: Malinka Market, 586-588 Christchurch Road, Boscombe, Dorset, BH1 4BH, to allow the sale of alcohol between the hours of 06:00 to 23:00, seven days a week.

Following this, Devon Small, Counsel representing the applicant presented their case.

The Sub-Committee also received verbal representations from Eva Zabarylo, Ward Councillor Jane Kelly and Phillip Day, Solicitor, representing a number of persons who had submitted written representations.

The Sub-Committee also read the written representations which were included in the report.

The Sub-Committee asked various questions of all parties present and were grateful for responses received. There were several questions posed and answered by other parties and all parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application for a new premises licence dated 30 December 2020 for a supermarket store known as: Malinka Market, 586-588 Christchurch Road, Boscombe, Dorset, BH1 4BH, be GRANTED subject to all of the conditions in Section 18 of the application ‘Licensing Objectives’; the conditions as agreed between Environmental Health, Dorset Police and the applicant, numbered 1-5 below; as well as the conditions added by the Licensing Sub-Committee at the hearing on 3 March 2021 and offered by and agreed to by the Applicant’s representative, numbered 6-8 below.

1. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 07:00 on the following day.

2. No collections of waste or recycling materials (including bottles) from the premises shall take place between the hours of 23:00 and 07:00 on the

following day.

- 3. No deliveries to the premises shall take place between the hours of 23:00 and 07:00 on the following day.**
- 4. No beers/lager/cider shall be sold above 6.5% ABV.**
- 5. No single cans of beer/lager/cider shall be sold**
- 6. The sale of alcohol will be limited to 09:00 to 23:00 seven days a week.**
- 7. There will be at least two members of staff on site, at all times, during working hours.**
- 8. There will be, at all times, visibly displayed in an outside window of the premises, a notice with the contact details of a responsible individual/s connected to the premises, that neighbours and locals can call if any issues arise.**

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the meeting and contained in the report for Agenda Item 5, in particular the 11 written representations made by 'other persons', along with the verbal submissions made at the hearing by Mrs Rogers, the Senior Licensing Officer, Mr Small, Counsel representing the Applicant, Mr Day, the solicitor representing local residents and Ms Zabarylo, a local resident and Chair of the Dorset Polish Community Centre and Councillor Jane Kelly, a local ward Councillor. The Sub-Committee also considered the questions asked and responses given at the meeting.

The Sub Committee acknowledged the concerns raised in the written representation and supported by the verbal submissions, but were satisfied that the application would not undermine the licensing objectives if run in accordance with the operating schedule and the conditions agreed with Environmental Health, Dorset Police and the Sub-Committee at the hearing on 3 March 2021. Members were satisfied with the input from the Responsible Authorities and noted that there were no formal objections arising from these bodies. This included Dorset Police, who the Licensing Committee look to as their main source of information regarding issues of crime and disorder in an area. Paragraph 9.11 of the section 182 Statutory Guidance sets out, that it is the responsibility of the Responsible Authority to determine if they have the appropriate grounds to make a representation. Having noted that no formal objection was raised a Responsible Authority the Sub Committee considered and gave sufficient weight to the representations that had been made by 'other persons'.

The Sub-Committee were mindful of the level of crime and the recorded incidents in the immediate area over the last three years (February 2018 to December 2020), which was obtained from the police.uk website and

provided in the written submission of Mr Day. Members recognised that although a Cumulative Impact Area policy does not exist for the area, this does not mean that there may not be cumulative impact from additional alcohol sales, potentially leading to alcohol related crime or antisocial behaviour. The Sub- Committee took this into account when reaching its decision and weighed this up against the Application and the written and verbal submissions and representations and the Licensing Objectives.

The Applicant's representative confirmed at the hearing on 3 March 2020 that the Applicant had no previous convictions relating to the management or running of a licensable premise and would ensure that the premises would positively contribute to the local community. The Applicant's representative further confirmed that he would work with the police and local agencies/the local community to prevent any issues arising. Furthermore, Mr Small confirmed that the premises:

- Would agree to not sell alcohol before 09:00 hours nor sell alcohol after 23:00 hours, seven days a week.
- Would visibly display in an outside window, a notice with the contact details of a responsible individual/s connected to the premises, that neighbours and locals can call if any issues pertaining to the licensable activities arise.
- Would ensure that a minimum of two employees would be at the premises, at all times, during working hours.

The Sub-Committee granted the licence with the clear expectation that the premises strictly uphold the licensing objectives, engage and contribute positively to the local community and run the premises appropriately and responsibly. The Sub Committee was therefore satisfied that if the above expectations were met and the conditions adhered to, the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by the Responsible Authorities or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

The Chair brought the hearing to a close.

The meeting ended at 11.50 am

CHAIRMAN