

Notice of Licensing Sub-Committee



Date: Wednesday, 13 March 2024 at 10.15 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Cllr M Howell

Cllr A Keddie

Cllr S Moore

Reserves:

Cllr C Mathews (1)

Cllr J Richardson (2)

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5477>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler michelle.cutler@bcpCouncil.gov.uk Democratic Services on 01202 096660 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

5 March 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chair

To elect a Chair of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Members.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Protocol for Public Speaking at Licensing Hearings

5 - 10

The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.

5. Application for a Premises Licence at Premier, 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB

11 - 32

The Licensing Authority has received an application for a new premises licence for the premises known as Premier, 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB.

This matter is brought before the Sub Committee for determination.

6. Update on Review of Premises Licence - Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG

At its meeting on 24 January 2024, the Sub Committee agreed to further adjourn the hearing to review the existing premises licence for Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG, to enable sufficient time for that licence to be surrendered to the Licensing Authority. The proposal to surrender the existing licence followed a decision by the Sub Committee at the same meeting to grant an application for a new premises licence for the same premises.

The Sub Committee is advised that the licence which was subject to review was surrendered to the Licensing Authority on 29 January 2024 and therefore a hearing is no longer required.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

This page is intentionally left blank

LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING

1. Introduction

- 1.1 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

2. Conduct of Hearings

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
 - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
 - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
 - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

3 General points

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democratic.services@bcpcouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.

Appendix B

Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23

This page is intentionally left blank

LICENSING SUB-COMMITTEE



Report subject	Application for a Premises Licence at Premier, 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB
Meeting date	13 March 2024
Status	Public Report
Executive summary	<p>Mr Philip Day of Lacey's Solicitors has made an application on behalf of Zerya Elya Ltd for a new premises licence at Premier Penn Hill, a convenience store located at 1 Bank Chambers, Penn Hill, Poole.</p> <p>The application is to permit the Supply of Alcohol (Off Sales only) from 07:00 to 00:00 on every day of the week.</p> <p>The Licensing Authority has received 1 representation from 1 other person on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none"> a) Grant the application for a premises licence as made. b) Refuse the application c) Grant the application subject to additional conditions. <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation.</p> <p>Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing and Regulation
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Ellie King - Licensing Officer
Wards	Penn Hill
Classification	For Decision

Background

1. This premises was formally known as Co-op and benefitted from a premises licence which permitted the off sales of alcohol between 08:00 and 23:00 hrs Monday to Saturday and 10:00 to 22:30 on Sunday. This licence was surrendered by Co-op on 31 August 2023.
2. An application was made by Philip Day on behalf of Zerya Elya Ltd on 18 January 2024 for a premises licence to allow off sales of Alcohol from 07:00 to 00:00 on every day of the week.
3. A copy of the application and layout plan is attached at appendix 1.
4. A location plan is shown at appendix 2.

Consultation

5. The application was served on all responsible authorities. The applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
6. The application prompted a representation from a local Councillor under the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety licensing objectives.
7. A copy of the representation is attached at Appendix 3.
8. During the consultation period Mr Day attempted mediation with the councillor, who wished that the supply of alcohol be restricted to 22:30hrs Sunday to Thursday and 23:00hrs Friday and Saturday. In this correspondence Mr Day made reference to the opening hours of other premises in the vicinity and the Licensing Officer provided clarification of the licensable hours. At the time of preparing this report mediation has not been successful and the representation stands.
9. A copy of this email chain is attached at appendix 4. Please note that you should read this from the bottom up.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:
 - The representation made by the local Councillor

- The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance and public safety.
- The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) and the Council's Statement of Licensing Policy.

Summary of financial implications

11. An appeal may be made against the decision of Members by the applicant or holder of the licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

12. If Members decide to determine the application or attach conditions to the licence, in a way which the applicant or those making representations do not agree to, then those parties may appeal to the Magistrate's Court within a period of 21 days beginning with the day such parties are notified in writing, of the decision.

Summary of human resources implications

13. There are no human resources implications.

Summary of sustainability impact

14. There are no sustainability impact implications.

Summary of public health implications

15. There are no public health implications.

Summary of equality implications

16. There are no equality implications.

Summary of risk assessment

17. There are no risk assessment implications

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)

[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118112/Revised_Guidance_issued_under_section_182_of_the_Licensing_Act_2003.pdf)

Appendices

- 1 - Copy of premises licence application and layout plan
- 2 - Location Plan
- 3 - Copy of representation from local Councillor.
- 4 - Copy of mediation email chain.

APPENDIX 1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Zerya Elya Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Premier Penn Hill, 1 Bank Chambers Penn Hill Avenue			
Post town	Bournemouth	Postcode	BH14 9NB

Telephone number at premises (if any)	None at present
Non-domestic rateable value of premises	£30,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a
statutory function or ☐
a function discharged by virtue of Her Majesty's prerogative ☐

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Zerya Elya Ltd
Address Registered office: [REDACTED]
Registered number (where applicable) 15391660
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

AS SOON AS POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
The premises are a convenience store and off-licence which closed in 2023. The Premises Licence in respect of the same was surrendered. This application seeks in effect a replacement licence but for slightly longer hours.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not applicable

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐
- Provision of late night refreshment** (if ticking yes, fill in box I) ☐
- Supply of alcohol** (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M. Note that Boxes A to J inclusive are blank and have not been reproduced in the interest of sustainability.

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) None.		
Mon	07:00	24:00			
Tue	07:00	24:00			
Wed	07:00	24:00			
Thur	07:00	24:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) None.		
Fri	07:00	24:00			
Sat	07:00	24:00			
Sun	07:00	24:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name [REDACTED]	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	BH7 7BT
Personal licence number (if known) BH957970	
Issuing licensing authority (if known) Bournemouth Borough (now BCP) Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

No adult entertainment, services activities etc will be provided.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) None.
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) None.
Mon	07:00	24:00	
Tue	07:00	24:00	
Wed	07:00	24:00	
Thur	07:00	24:00	
Fri	07:00	24:00	
Sat	07:00	24:00	
Sun	07:00	24:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The relevant mandatory conditions shall apply to the licence.

b) The prevention of crime and disorder

An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue.
- (b) all ejections of patrons.
- (c) any incidents of disorder.
- (d) any faults in the CCTV system.
- (e) any refusal of the sale of alcohol – this to include a note of the reason for the refusal, the date and time and a brief description of the person(s) concerned.
- (h) any visit by a relevant authority or emergency service.

A CCTV system shall be installed and thereafter maintained in good working order, covering all public parts of the premises and the area immediately outside the entrance. The system shall operate at all times that the premises are open and all recordings will be stored for a minimum period of 31 days with correct date and time stamping.

Facilities will be made available to allow police and other authorised officers to view recordings on request and to be provided with copies in playable format as soon as reasonably practicable, provided in each case that requests are compliant with data protection regulations.

A member of staff who is conversant with the system and authorised to access it should be available at all times that the premises are open to the public.

The system will be checked at least once a week and any fault recorded in the incident log and are rectified as quickly as possible.

c) Public safety

Note for information only – there are no issues relating to this licensing objective and no specific conditions are therefore proposed.

d) The prevention of public nuisance

Note for information only – there are no issues relating to this licensing objective and no specific conditions are therefore proposed.

e) The protection of children from harm

The premises shall operate a quote Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under the age of 25 shall be required to produce photographic proof of age in one or other of the forms specified by the mandatory conditions.

Signage advertising the "Challenge 25" policy will be prominently displayed at the entrance to the premises and at all till points.

All staff concerned with the sale of alcohol shall be trained with regard to restricted sales of alcohol to persons who are under the age of 18 or who are drunk and with regard to the conditions of the premises licence.

Refresher training shall take place at least once every six months.
 A written record of all such training shall be maintained and made available for inspection by police or other authorised officers on request.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
--------------------	--

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Philip J Day for Lacey's Solicitors LLP
Date	18/01/2024
Capacity	Solicitors for the Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Philip Day Lacey's Solicitors LLP 9 Poole Road			
Post town	Bournemouth	Postcode	BH2 5QR
Telephone number (if any)	01202 377867		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) p.day@laceysolicitors.co.uk			

Notes for Guidance

The Notes do not form part of the application form and have not been reproduced in the interest of sustainability.

COMMODITY LAYOUT

Premier
PENN
HALL

STORE LAYOUT STATUS:
PROPOSED

ADDRESS:
1-2 CHAMBER BANK
PENN HALL
POOLE
BH16 9NB

DATE:
16th JANUARY 2024

VERSION:
KS v2 (OPT B)

Approx Square Footage
1370 sq.ft.

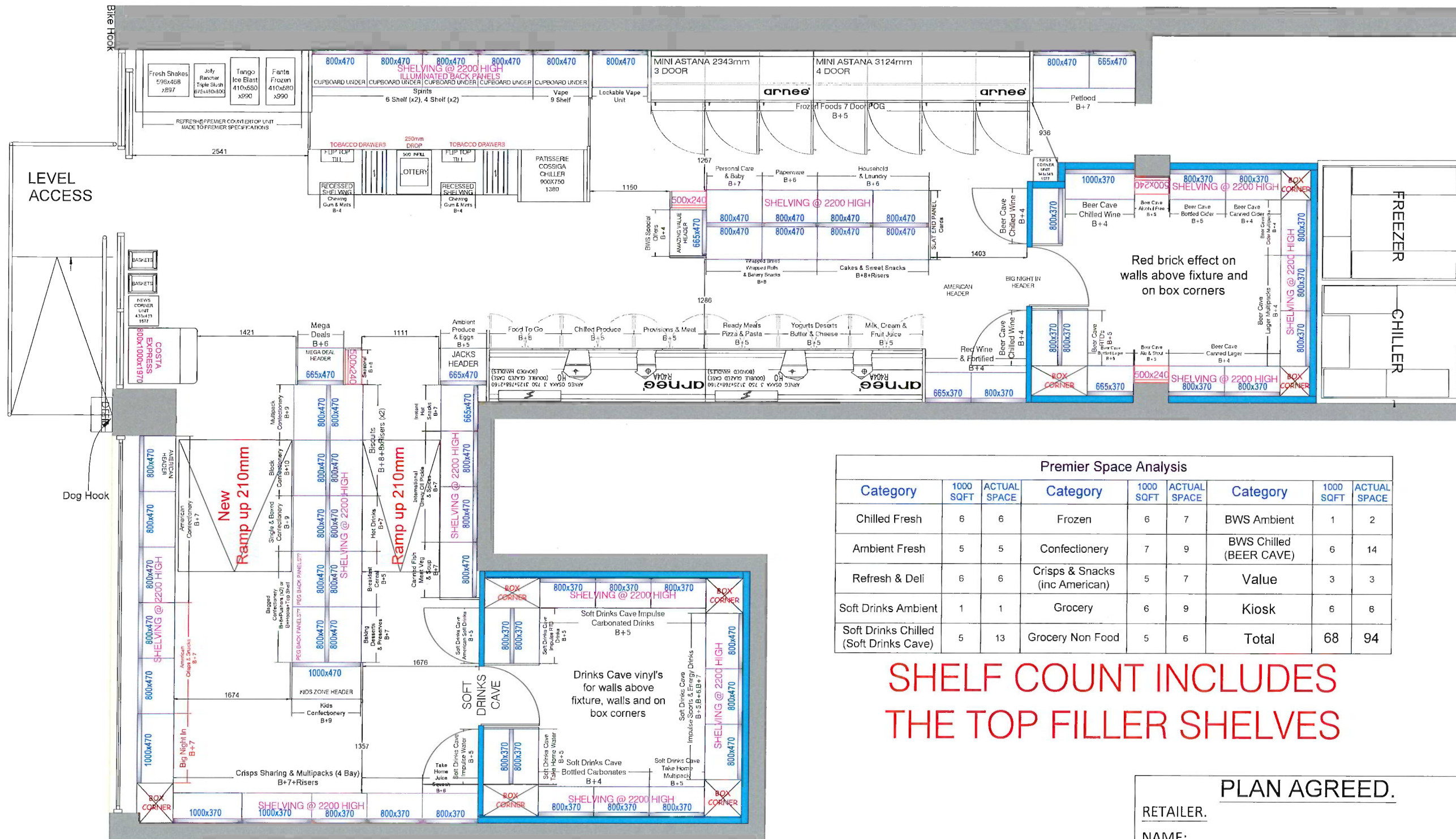
- NOTES:
- V2 (OPT B) DRAWN WITH RDC INPUT.
 - SIGNAGE INFORMATION WILL BE ADDED ONCE A PLAN IS AGREED.
 - FULL WRITE UP WILL BE ADDED ONCE WE GET AN AGREED PLAN.

BOOKER
WHOLESALE

This drawing is for illustrative purposes ONLY.
All dimensions should be checked by a qualified Shop Fitter prior to any investment being undertaken.
All investments made & compliance with building & licensing regulations are the sole responsibility of the Retailer

Plan Drawn By;

Keith Saunders



Premier Space Analysis							
Category	1000 SQFT	ACTUAL SPACE	Category	1000 SQFT	ACTUAL SPACE	Category	1000 SQFT
Chilled Fresh	6	6	Frozen	6	7	BWS Ambient	1
Ambient Fresh	5	5	Confectionery	7	9	BWS Chilled (BEER CAVE)	6
Refresh & Deli	6	6	Crisps & Snacks (inc American)	5	7	Value	3
Soft Drinks Ambient	1	1	Grocery	6	9	Kiosk	6
Soft Drinks Chilled (Soft Drinks Cave)	5	13	Grocery Non Food	5	6	Total	68
							94

SHELF COUNT INCLUDES THE TOP FILLER SHELVES

PLAN AGREED.

RETAILER.

NAME: _____

SIGNATURE: _____

DATE: _____

RDM.

NAME: _____

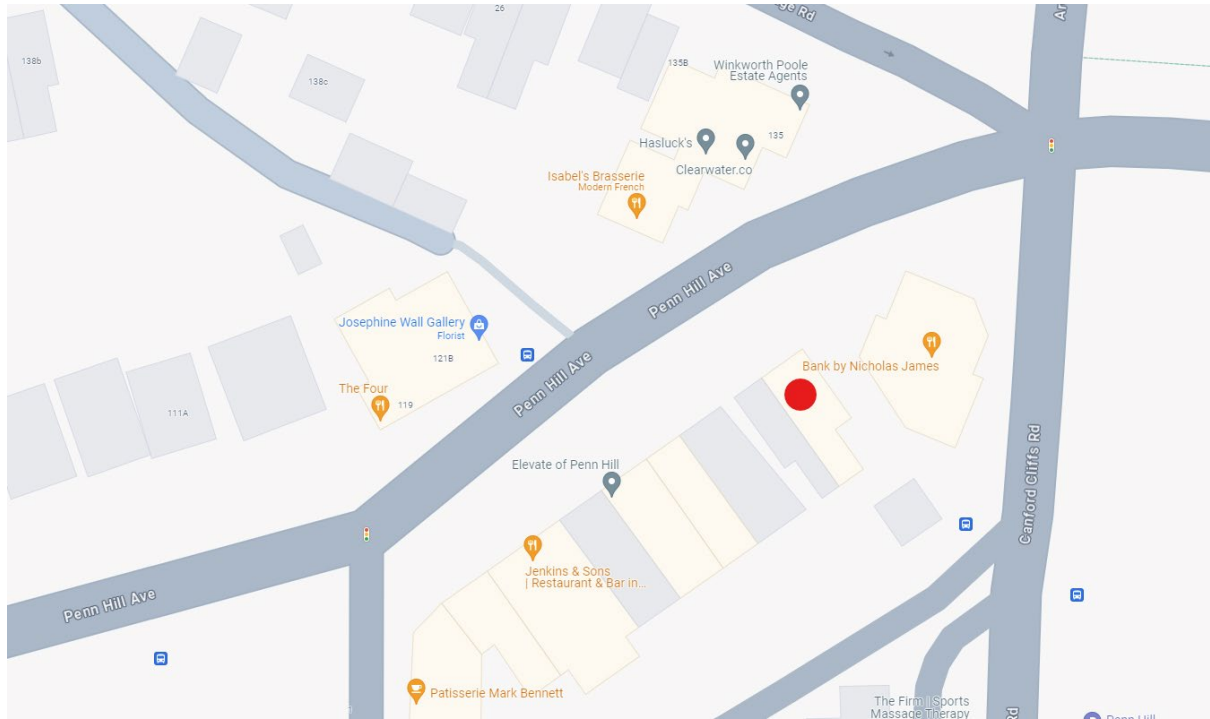
SIGNATURE: _____

DATE: _____

SIGNAGE INFORMATION AND FULL WRITE UP WILL BE ADDED ONCE PLAN IS AGREED!

APPENDIX 2

Location is marked with red dot.



This page is intentionally left blank

From: [Councillor Oliver Walters](#)
To: [Ellie King](#); [Licensing Com](#)
Cc: [REDACTED]
Subject: Representation: 215243 - Premier Penn Hill
Date: 28 January 2024 21:07:36

Dear Ellie and the Licensing team,

I want to provide a representation against the application above for Premier Penn Hill, 1 Bank Chambers, Penn Hill Avenue, BH14 9NB to provide supply of Alcohol- Off Sales Monday to Sunday from 07:00 to 00:00 on the following licensing objectives:

- prevention of crime and disorder
- prevention of public nuisance
- public safety

Late night sales will increase the availability of alcohol on Penn Hill Avenue and could lead to an increase in crime, aggressive behaviour and transient noise causing disturbance to those living nearby.

I would request that the alcohol license is limited to 22:30 Sun-Thur and 23:00 Fri & Sat in line with other off-sale licences in the ward.

Kind regards,

Cllr Oliver Walters

Penn Hill

This page is intentionally left blank

From: [Philip Day](#)
To: [Ellie King](#)
Cc: [REDACTED]; [Licensing Com](#); [Sarah Rogers - Licensing](#); [Councillor Oliver Walters](#)
Subject: RE: M215243 RE: Premier Penn Hill Licence application (ZE47/1)
Date: 28 February 2024 14:16:35
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Dear Ellie (and others for information)

As you will know, it is my normal practice to attempt mediation with anyone who has made a representation regarding any licensing application that I make on behalf of a client but if mediation fails, I normally prepare a written submission whenever a licensing application goes to a hearing before the sub-committee.

In this case, I am afraid that my attempts to mediate and to persuade the sole objector (Cllr Walters) to withdraw the representation have failed but I do not propose to prepare a written submission as I consider that if this email (and the chain below) is included within the agenda papers, that will suffice (it includes what I consider to be all relevant emails) You will no doubt redact personal information but I have no objection if my email, contact details etc are included in the public papers.

Regards

Philip Day

From: Philip Day
Sent: Tuesday, February 20, 2024 5:25 PM
To: Councillor Oliver Walters <Oliver.Walters@bcpcouncil.gov.uk>
Cc: Ellie King <Ellie.King@bcpcouncil.gov.uk>; [REDACTED] Licensing Com <licensing@bcpcouncil.gov.uk>; Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>
Subject: RE: M215243 RE: Premier Penn Hill Licence application (ZE47/1)

Dear Cllr Walters (and others for information)

I am sorry to hear of your recent incapacity and trust that you are now fully recovered.

I too work full time and have duties as a local Councillor and Chair of my Town Council's Planning, Town and Environment Committee – I well understand the pressures on our respective time.

I would have thought that a 5 minute telephone conversation would suffice to determine whether there is any ground for mediation/compromise here or whether we both need to prepare for and attend a hearing before BCP Council's Licensing sub-committee (provisionally arranged for 13th March). I am normally available by phone between 10 a.m. and 7 p.m. daily (other than at weekends).

Thank you for your kind offer regarding the surgery but I am afraid that I am not inclined to spend a large part of Saturday travelling to and from Ringwood for this purpose (and I have no doubt that my client would be extremely reluctant to pay for my time in doing so). My client may however choose to attend if we cannot speak before then.

If we do proceed to a hearing, I request this full exchange be included with the public agenda papers.

Kind regards

Philip Day

From: Councillor Oliver Walters <Oliver.Walters@bcpcouncil.gov.uk>
Sent: Tuesday, February 20, 2024 3:35 PM
To: Philip Day <P.Day@laceyssolicitors.co.uk>
Cc: Ellie King <Ellie.King@bcpcouncil.gov.uk>; [REDACTED] Licensing Com <licensing@bcpcouncil.gov.uk>; Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>
Subject: RE: M215243 RE: Premier Penn Hill Licence application (ZE47/1)

Hi Philip,

Thanks for reaching out. I'm happy to discuss this.

Sorry for the delay, I spent a week out of office at a conference in the States and caught a viral infection whilst there that put me out of action.

I'm playing catch up at the moment trying have 2 weeks worth of missed meetings this week. Every day this week I am in meetings 9am to 9pm (11pm for some of the days) for a mixture of day job and councillor actions.

However, if you want to discuss further I'm having my surgery on Saturday morning this weekend between 11:30am and 12:30pm at Parkstone library. Feel free to come along.

Kind regards,

Cllr Oliver Walters
Penn Hill

From: Philip Day <P.Day@laceyssolicitors.co.uk>
Sent: Friday, February 16, 2024 11:19 AM
To: Councillor Oliver Walters <Oliver.Walters@bcpcouncil.gov.uk>
Cc: Ellie King <Ellie.King@bcpcouncil.gov.uk>; [REDACTED] Licensing Com <licensing@bcpcouncil.gov.uk>; Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>
Subject: FW: M215243 RE: Premier Penn Hill Licence application (ZE47/1)

Dear Cllr Walters

I refer to the email that I sent you on 6th February which appears at the bottom of this

chain. For the sake of completion and transparency, I have included a response to me from Ms King and my reply to her.

I note that I have heard nothing further from you (although I understand you have been away).

The consultation period has now ended and I am advised that yours is the only representation that has been received.

I am more than happy to discuss this matter with you if I can assist in any way but I do invite you again to please consider withdrawing your representation to avoid the expense of a hearing and the delay that would ensue.

I look forward to hearing from you.

Regards

Philip Day

From: Philip Day
Sent: Wednesday, February 7, 2024 5:22 PM
To: Ellie King <Ellie.King@bcpcouncil.gov.uk>
Cc: veli bulbul [REDACTED]
Subject: RE: M215243 RE: Premier Penn Hill Licence application (ZE47/1)

Thanks Ellie

Thanks for this. I suspect that some of the Premises do not operate (or advertise that they operate) to the full extent of their permitted hours. Others (e.g. Tesco Express on Poole Road) may open until midnight but cease supplying alcohol at 11 p.m.

If Cllr Walters does not withdraw the representation, perhaps you would be good enough to ensure that this exchange is included within the agenda papers?

Many thanks

Philip

From: Ellie King <Ellie.King@bcpcouncil.gov.uk>
Sent: Wednesday, February 7, 2024 3:00 PM
To: Philip Day <P.Day@laceysolicitors.co.uk>
Subject: M215243 RE: Premier Penn Hill Licence application (ZE47/1)

Good Afternoon Philip,

For completeness, I've just done a quick run through of the premises shown in your email below in relation to the hours they are licensed to supply alcohol and can confirm the following:

21 Haven Road Centrals 06:00-23:00

Poole Road

Tesco - 24hrs

Westbourne convenience store - 08:00-01:00

Branksome food centre – 24hrs

Tesco express 06:00-23:00

-
Bournemouth Road

Tesco express - 06:00-00:00

EFE

- 06:00-23:00 Mon – Thurs
- 06:00-03:00 Fri/Sat
- 06:00-01:00 Sun

Star – 24hr

Kind Regards

Ellie

Ellie King
Licensing Officer
Communities

T. 01202 123971

Ellie.king@bcpcouncil.gov.uk

bcpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

From: Philip Day <P.Day@laceyssolicitors.co.uk>

Sent: Tuesday, February 6, 2024 6:08 PM

To: Councillor Oliver Walters <Oliver.Walters@bcpcouncil.gov.uk>

Cc: [REDACTED] Ellie King <Ellie.King@bcpcouncil.gov.uk>; Licensing Com
<licensing@bcpcouncil.gov.uk>; [REDACTED]

Subject: Premier Penn Hill Licence application (ZE47/1)

Dear Cllr Walters

Thank you for responding to the licence application for these premises – your representation has been forwarded to me to respond.

You request that “the alcohol license is limited to 22:30 Sun-Thur and 23:00 Fri & Sat in line with other off-sale licences in the ward”

My understanding is that other premises in the locality include the following:

21 Haven Road Centrals which has a licence to 23:00 every day

In Poole Road:

- Tesco until midnight
- Westbourne convenience store until 01:00
- Branksome food centre 24 hrs
- Tesco until midnight

On Bournemouth Road:

- Tesco express until midnight
- Efe convenience store 23:00 all days and 03:00 on Friday and Saturdays
- Star off licence midnight

None appear to be limited as you suggest?

None of the Responsible Authorities (from which the Licensing Authority will take their lead on matters relating to the licensing objectives) have indicated any opposition to the application and Government Guidance indicates that supermarkets and the like should be permitted to supply alcohol throughout their opening hours.

You will of course also be aware that should these premises cause issues in the future, the Licensing Authority can review the licence at any time.

I and my client (copied) would be more than happy to discuss your concerns with you if you so wish but I would, with respect, invite you to withdraw your representation in the hope that we can all avoid the cost and inconvenience that having to hold a hearing would entail for all concerned, not least my client and BCP council tax-payers.

Kind regards

Philip Day Partner

LACEYS SOLICITORS

p.day@laceyssolicitors.co.uk

01202 377867 (Direct) 01202 377800 (Reception) 01202 377982 (Support Team)

laceyssolicitors.co.uk 9 Poole Road Bournemouth, BH2 5QR



Warning: Please be aware of cybercrime. Laceys will not take responsibility if you transfer money to a wrong bank account. Please speak to your solicitor before transferring any money. If you receive an email from us requesting your bank details, please contact your solicitor immediately to clarify.

Laceys respects your privacy and is committed to protecting your personal data in accordance with law and our privacy notices (which we may amend from time to time). They set out how we look after personal data, when we collect, store or otherwise process it and inform you about your privacy rights and how the law protects you. They can be found [here](#). We will also send copies by post or email if requested. Laceys Solicitors LLP is a limited liability partnership registered in England and Wales (with registered number OC381963). A list of members' names is available for inspection at our registered office at 5 Poole Road Bournemouth Dorset BH25QL. Laceys Solicitors LLP is authorised and regulated by the Solicitors Regulation Authority (SRA No: 592116). We use the word "Partner" to refer to a member of Laceys Solicitors LLP, or an employee or consultant who is a lawyer with equivalent standing and qualification. Information in this email and any attachments is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify us and please delete this message and any attachment from your system immediately. Full responsibility for checking that this email and any attachment

This page is intentionally left blank