

LICENSING SUB-COMMITTEE



Report subject	Review of Premises Licence - Polski Sklep, 17 Lansdowne Road, BH1 1RZ
Meeting date	28 January 2020
Status	Public Report
Executive summary	To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder.
Recommendations	<p>Members are asked to decide whether to:</p> <ul style="list-style-type: none">a) Modify the conditions of the licence.b) Exclude a licensable activity from the scope of the licence.c) Remove the Designated Premises Supervisor.d) Suspend the licence for a period not exceeding three months.e) Revoke the licence.f) Leave the licence in its current state. <p>Members 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>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on 20th November 2019. Dorset Police believe that the premises is involved in the sale and storage of smuggled tobacco. Dorset Police no longer have confidence in the DPS or licence holder. A copy of the review application is attached at Appendix 1.
2. A copy of the current premises licence and plan showing the location is attached at Appendix 2.
3. The premises have had the benefit of a premises licence for off sales since 23rd April 2014. The current licence holder and DPS have been in place since November 2018 when they took over the premises.
4. Previously the premises were first granted a premises licence on 26 November 2007 when it operated as a Persian restaurant named “Kolbeh”. This licence was subsequently revoked following a review by Dorset Police for not upholding the prevention of crime and disorder licensing objective.
5. A subsequent licence was applied for and granted on 28 October 2012 and the premises were operated as “Sonia’s House” until the licence was surrendered on 18 February 2015. This business stopped trading when an application to vary the licence, to include an off sale of alcohol offer, was refused when they proposed a change from the restaurant to a retail shop.

Consultation

6. Dorset Police submitted the application on 20 November 2019 and declared that a copy of the application had been served on the other responsible authorities and the licence holder on that day.
7. On 21 November 2019 Sarah Rogers of the Licensing Authority attended the premises and erected a site notice on the lamppost directly outside the premises and on the front door. Two further notices were placed in the main offices of the Town Hall (Customer Services Reception at St Stephen’s Road and the main public noticeboard in Bourne Avenue). A notice was also published on the BCP Council’s website.
8. A representation, in support of the review, was received from a nearby business. A copy of this representation is attached at Appendix 3.
9. During the consultation period a number of emails were exchanged between the Solicitor acting for the licence holder, the Licensing Authority and Dorset Police

clarifying the current situation of the status of the premises and its impending sale.
A copy of the thread of emails is attached at Appendix 4.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:

- The application made by Dorset Police.
- The submissions made by or made on behalf of the licence holder.
- The relevant licensing objective, namely the prevention of crime and disorder.
- The Licensing Act 2003, Regulations, Guidance 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 the licence holder to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

12. If the decision of the Licensing Sub Committee is not accepted by the applicant or the licence holder an appeal may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

13. N/A

Summary of sustainability impact

14. N/A

Summary of public health implications

15. N/A

Summary of equality implications

16. N/A

Summary of risk assessment

17. N/A

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<https://www.bournemouth.gov.uk/Business/Licensing/LicensingAct/TheLicensingAct2003.aspx>

Appendices

- 1 – Copy of review application
- 2 - Copy premises licence and location plans
- 3 – Representation in support of review application
- 4 – Email thread between Solicitor for the licence holder, the Licensing Authority and Dorset Police