

LICENSING SUB-COMMITTEE



Report subject	Malinka Market, 586-588 Christchurch Road, Bournemouth, BH1 4BH
Meeting date	17 February 2021
Status	Public Report
Executive summary	D & B Licensing Consultants, on behalf of Mr Abdullah, have made an application for a premises licence for a new convenience store, to provide off sales of alcohol, between the hours of 06:00 and 23:00 each day of the week.
Recommendations	It is RECOMMENDED that: Members are asked to decide whether to:- a) Grant the application for a premises licence as made; b) Refuse the application for a premises licence; c) Grant the premises licence subject to additional conditions. 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.
Reason for recommendations	<p>The Licensing Authority has received representations from 9 other persons, together with a letter signed by 26 persons, on the grounds that to grant this application it would undermine the prevention of crime and disorder and the prevention of public nuisance licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</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):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Boscombe West
Classification	For Decision

Background

1. An application for a premises licence under the Licensing Act 2003 was made on the 5th January 2021. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 9 representations from other persons under the prevention of crime and disorder and prevention of public nuisance licensing objectives. In addition, a letter was signed by 26 persons. A copy of the representations received, and petition letter is attached at Appendices 3 and 4.
5. Environmental Health and Dorset Police Officers have agreed for the following conditions to replace those offered in the application, should the application be granted:-
 - 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.
 - 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.
 - No deliveries to the premises shall take place between the hours of 23:00 and 07:00 on the following day.
 - No beers/lager/cider shall be sold above 6.5% ABV.
 - No single cans of beer/lager/cider shall be sold.
6. No Representations were received from any of the other responsible authorities.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
- The representations made by or on behalf of the other persons.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder and prevention of public nuisance
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 and the Council's Statement of Licensing Policy.

Summary of financial implications

8. N/A

Summary of legal implications

9. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal 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

10. N/A

Summary of sustainability impact

11. N/A

Summary of public health implications

12. N/A

Summary of equality implications

13. N/A

Summary of risk assessment

14. N/A

Background papers

BCP Council – Statement of Licensing Policy –
<https://www.bcpCouncil.gov.uk/Business/Licences-and-permits/Documents/Licensing/solp-2020.pdf>

Hearing Regulations – <https://www.legislation.gov.uk/ukSI/2005/44/contents/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

1 – Copy Application

2 – Location Map

3 – Copy of Representations

4 – Copy Petition