

# LICENSING SUB-COMMITTEE



Report subject	<b>Application for a Premises Licence El Murrino 213 Ashley Road Poole BH14 9EG</b>
Meeting date	8 December 2021
Status	Public Report
Executive summary	<p>El Murrino Limited have made an application for a premises licence to allow the provision of on and off sales of alcohol from 11:00 to 22:30 Monday to Thursday, 11:00 to 23:00 Friday to Saturday and 11:00 to 22:00 on Sunday.</p> <p>The Licensing Authority has received representations from 7 Other Persons on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <ul style="list-style-type: none"> <li><b>a) Grant the application for a premises licence as made;</b></li> <li><b>b) Refuse the application for a premises licence;</b></li> <li><b>c) Grant the premises licence subject to additional conditions.</b></li> </ul> <p><b>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.</b></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):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Kelly Ansell – Interim Chief Operations Officer
Report Authors	Tania Jardim – Licensing Officer
Wards	Parkstone
Classification	For Decision

## Background

1. An application for a premises licence under Section 17 of the Licensing Act 2003 was made on the 21<sup>st</sup> October 2021 for the supply of alcohol with a meal, either on the premises or for delivery. A copy of the application, including the plan of the premises, is attached at Appendix 1.
2. A location plan is attached at Appendix 2. The premises were previously a bank.

## Consultation

3. The application was served on all responsible authorities and the licence application lists was emailed to all members on the 28<sup>th</sup> October 2021. The applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 7 representations from other persons under the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives. No Responsible Authority has made a representation. A copy of the representations made by 'other persons' are attached at Appendix 3.
5. For clarification, some of the representations referred to a petition that residents had submitted to BCP Council and was presented at a Council Meeting on the 14<sup>th</sup> September 2021 when it was resolved it be referred to the Cabinet for further consideration. This report will be presented to Cabinet on the 15 December 2021.

## Options Appraisal

6. Before making a decision, Members are asked to consider the following matters: -
  - The representation made by one other person.
  - The relevant licensing objectives, namely the prevention of crime and disorder, public safety 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

7. N/A

### **Summary of legal implications**

8. If Members decide to refuse the application or attach condition to the licence, which the applicant does not agree to, the applicant may appeal to the Magistrate's 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**

9. N/A

### **Summary of sustainability impact**

10. N/A

### **Summary of public health implications**

11. N/A

### **Summary of equality implications**

12. N/A

### **Summary of risk assessment**

13. N/A

### **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 (April 2018)

[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](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 and plan
- 2 – Location Plan
- 3 – Representations