

LICENSING SUB-COMMITTEE



Report subject	Bread and Butcher 491 Christchurch Road Bournemouth – Application for a New Premises Licence
Meeting date	19 July 2022
Status	Public Report
Executive summary	<p>Mr Jiri Mascilak and Mr Lukasz Bondyra have applied as joint individuals for a premises licence to permit the off sale and delivery of alcohol between the hours of 11:00 and 18:00 Tuesday to Friday and 10:00 to 14:30 on Saturdays. The premises are closed on Sunday and Monday.</p> <p>The premises trade as a butcher shop. There are two floors to the premises – the top floor being the retail shop. The applicants wish to sell alcohol to the public within the shop and through online orders for delivery.</p> <p>Alcohol orders and deliveries will be operated by 3Vvino Ltd who shall use the premises to store and specifically select for, and despatched to, a purchaser. For this reason, it is these premises which require to be licensed for this purpose. Off sales shall also be available from the retail space.</p> <p>The Licensing Authority has received 7 representations against this application on the grounds that it would undermine the 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 for a premises licence;c) Grant the premises licence 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</p>

	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.
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Portfolio Holder(s):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Sarah Rogers – Senior Licensing Manager
Wards	Boscombe West
Classification	For Decision

Background

1. An application for a premises licence under Section 17 of the Licensing Act 2003 was made on the 7th June 2022. A copy of the application and proposed layout 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. No representations were received from any of the responsible authorities.
5. Dorset Police and BCP Council Trading Standards agreed a number of conditions with the applicant during the consultations. Should the application be granted these conditions will be imposed on the licence. A copy of the agreed conditions are attached at Appendix 3.
6. Representations have been received from 7 other persons. 5 of the representations are made on a standard letter format with 2 hand-written letters. A copy of the representations is attached at Appendix 4.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
 - The submissions made by or made on behalf of the applicant.
 - The representation made by or on behalf of the other persons.
 - The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.
 - 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. Any other person, who has made a valid representation, may also appeal to the Magistrates' Court with 21 day period if aggrieved by the decision made.

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/Licencesandpermits/Documents/Licensing/solp2020.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 Plan
- 3 – Conditions agreed with Dorset Police and BCP Trading Standards
- 4 – Representations Received