

# LICENSING SUB-COMMITTEE



Report subject	<b>Maxi Market, 673-675 Christchurch Road, Bournemouth</b>
Meeting date	3 August 2022
Status	Public Report
Executive summary	<p>Maxi Market Limited has made an application for a new premises licence to permit off sales of alcohol between the hours of 08:00 and 23:00 each day of the week.</p> <p>The premises is to be a general store, specialising in international produce, freshly baked bread and off licence.</p> <p>The Licensing Authority has received 7 representations from other persons against this application on the ground that it would undermine the prevention of crime and disorder, prevention of public nuisance and protection of children from harm 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 Bobbi Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Sarah Rogers – Senior Licensing Officer
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 8 June 2022. 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. No representations were received from any of the responsible authorities.
5. Representations have been received from 7 other persons, 6 of which are made via LSL Solicitors with one submission.
6. A copy of the representations are attached at Appendix 3.
7. In the final paragraph of the letter from LSL Solicitors reference to the blue site notice is made and concern that it was not on display for the 28 day statutory time period.
8. Contact was made with the applicant's solicitor who confirmed that photos were emailed to him on the 8 June 2033 with the site notices in place. His client confirmed that the notices had remained in place. This information was forwarded onto LSL Solicitors who seemed content.

## Options Appraisal

9. Before making a decision, Members are asked to consider the following matters:
  - The submissions made by or made on behalf of the applicant.
  - The representations made by or on behalf of the other persons.
  - The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance and 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**

10. N/A

### **Summary of legal implications**

11. 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.
12. Any other person, who has made a valid representation, may also appeal to the Magistrates' Court within a 21-day period if aggrieved by the decision made.

### **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**

BCP Council – Statement of Licensing Policy –

[https://www.bcpCouncil.gov.uk/Business/Licencesandpermits/Documents/Licensing/solp\\_2\\_020.pdf](https://www.bcpCouncil.gov.uk/Business/Licencesandpermits/Documents/Licensing/solp_2_020.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](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 – Representations Received