

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 03 August 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr D Farr and Cllr D Kelsey

43. Election of Chair

RESOLVED that Councillor Judes Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

44. Apologies

There were no apologies received.

The Chair thanked the reserve member, Cllr T Johnson, for his attendance at the start of the meeting.

45. Declarations of Interests

There were no declarations of interest.

46. Application for Premises Licence at Late Night Store, 690-692 Christchurch Road, Bournemouth, BH7 6BY

The Chairman advised that this item had been withdrawn as Dorset Police had withdrawn its representation and therefore a hearing was no longer required.

47. Application for Premises Licence for Maxi Market, 673-675 Christchurch Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Louise Smith – Democratic and Overview and Scrutiny Officer, observing

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Chairman noted that correspondence had been received late the previous day from Mr Simms, Lacey's Solicitors, representing the applicant, in the form of various emails to show that attempts at mediation had been made with the solicitor representing some of those who had made representations, however, mediation had been unsuccessful.

An email had also been received from Mr Payne, LSL Solicitors, representing 6 objectors, advising that he had received instructions not to attend the hearing because of the associated cost to private individuals, however, he asked that the sub-committee carefully consider the application and the proposals for conditions that had been advanced by both parties.

The Chairman noted that Mr Somannolla had withdrawn his objection prior to the hearing and would no longer be attending.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application for a new premises licence following the receipt of representations from six 'other persons' against the application on the grounds that it would undermine the prevention of crime and disorder, prevention of public nuisance and protection of children from harm licensing objectives.

No representations had been received from any of the other responsible authorities.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Mr Byron Simms, Lacey's Solicitors – Representing the Applicant
Krzysztof Dziebowski – Director of applicant company

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application to permit the sale of alcohol between 08:00hrs and 23:00hrs each day of the week, for "off sales" only, for the premises known as 'Maxi Market' 673-675, Bournemouth dated 8th June 2022, be GRANTED.

This Premises Licence is granted subject to all of the conditions offered in the operating schedule in part M of the application.

In addition, the following conditions, offered by the applicant during the hearing and imposed by the Sub-Committee on deliberation, shall be attached to the Licence:

- 1. A digital CCTV system shall be installed to cover all public parts of the premises and the immediate external area and thereafter maintained in good working order.**
- 2. No waste or recyclable materials, including bottles shall be moved, removed from or placed in outside areas between 22:00 hours and 07:00 hours on the following day.**
- 3. The premises shall display a contact telephone number in the window so that residents can contact the premises licence holder in the event of any issues.**

Reason for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 6, in particular the written representations made by LSL Solicitors, on behalf of 6 other persons, and the verbal submissions made at the hearing by the Senior Licensing Officer, Sarah Rogers, Mr Byron Simms, Laceys Solicitors, representing the applicant and Krzysztof Dziebowski, Director of the Applicant Company.

The Sub-Committee also considered the responses given to all the questions asked at the hearing.

The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities and that one objector had withdrawn their representation before the hearing.

The Sub-Committee noted the willingness of the applicant to co-operate with residents to minimise disruption to them. Whilst the Sub-Committee acknowledged the concerns expressed by residents the Sub-Committee believed that the conditions put forward by the applicant would address the relevant concerns raised and that some of the conditions raised by the objectors were not necessary to ensure compliance with the licensing objectives.

The submissions were mainly concerns speculating what may happen in the future should the application be granted, and the Sub-Committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

In making its decision, the Sub-Committee has had regard to the case of ‘Thwaites PLC v Wirral Borough Magistrates’ Court 2008. There was no evidence before the Sub-Committee that would show that granting the licence would give rise to negative impact on the licensing objectives.

The Sub-Committee was satisfied that if the premises operated in accordance with the conditions on the premises licence, then the premises licence holder should not undermine the licensing objectives. It was noted

that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issue/s associated with the premises in the future that may undermine the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

The legal adviser explained that all parties to the application have the right to appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

The meeting ended at 10.30 am

CHAIRMAN