

LICENSING SUB-COMMITTEE



Report subject	Application for Review of Premises Licence at Bargain Convenience Store, 495 Wimborne Road, Bournemouth, BH9 2AW
Meeting date	17 January 2024
Status	Public Report
Executive summary	To consider an application by Dorset Police for review of the premises licence following two serious incidents which undermine the public safety and protection of children from harm licensing objectives. The review relates to concerns that the premises are not upholding the licensing objectives of crime and disorder protection of children from harm and that Dorset police no longer have confidence in the premises Licence holder/DPS.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the following option: -</p> <ul style="list-style-type: none"> (a) Modify the conditions of the licence; and/or (b) Exclude a licensable activity from the scope of the licence; and/or (c) Remove the Designated Premises Supervisor; and/or (d) Suspend the licence for a period not exceeding three months; or (e) Revoke the licence; or (f) Leave the licence in its current state. <p>Members 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>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application.</p>

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing and Regulation
Corporate Director	Jillian Kay – Director for Wellbeing
Report Authors	Ellie King- Licensing Officer Nanaka Randle – Licensing Manager
Wards	Winton East;
Classification	For Decision

Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, by Dorset Police, was received by the Licensing Authority on the 14th of November 2023. The application relates to the prevention of crime and disorder and protection of children from harm licensing objectives.
2. A copy of the review application and supporting paperwork are attached at Appendix 1.
3. The premises were granted a premises licence on 16th of January 2017. A copy of the current licence is attached at Appendix 2.
4. A plan showing the location of the premises is attached at Appendix 3.

Previous Review

5. In August 2022 the premises was reviewed by Dorset Police, and Licensing Committee revoked the licence on 29 September 2022. [BCP Council – Democracy](#)
6. The premises appealed the decision, during the course of the appeal process it was decided that having a licence in place gave the licensing team more control over how the premises operates and also provides a power of entry for enforcing authorities, including the home office. The solicitor acting on behalf of the premises offered a settlement including suspension of the licence, additional conditions and no costs.
7. The matter was decided by way of consent order which was signed by Dorset Magistrates Court on 23 February 2023.
8. The consent order suspended the licence for a month during which time the premises had to ensure refresher training in respect of the terms and conditions of the licence particularly regarding underage sales, proxy sales and sales to intoxicated persons. Additional conditions were attached and these are in Annexe 3 of the current licence at Appendix 2.

Consultation

9. A copy of the application was served on all responsible authorities and the licence holder on the 13th of November 2023.
10. A site notice was erected on the premises by the licensing officer on the 14th of November 2023. Further notices were placed in the main public noticeboards of

BCP Council's offices at St Stephen's Road and Bourne Avenue and a notice was also published on the Council's website.

11. During the consultation, Mr Philip Day, Licensing Consultant informed the Licensing Authority that he had been instructed by the licence holder to act for them.
12. Correspondence has taken place between Mr Day and Dorset Police a copy of this is attached at Appendix 4

Options Appraisal

13. Before making a decision, Members are asked to consider the following matters: -
 - The representations made by Dorset Police.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely public safety, crime and disorder and protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

14. An appeal may be made against the decision of Members by the applicant or holder of the licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

15. If Members decide to determine the application or attach conditions to the licence, in a way which the applicant or those making representations do not agree to, then those parties may appeal to the Magistrate's Court within a period of 21 days beginning with the day such parties are notified in writing, of the decision.

Summary of human resources implications

16. There are no human resources implications.

Summary of sustainability impact

17. There are no sustainability impact implications

Summary of public health implications

18. There are no public health implications

Summary of equality implications

19. There are no equality implications

Summary of risk assessment

20. There are no risk assessment implications

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpccouncil.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 (Dec 2023)

https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Appendices

- 1 - Copy of Review Application and supporting paperwork
- 2 - Copy of Current Premises Licence
- 3 - Location Plan
- 4 – Email correspondence between Mr Day and Dorset Police