

# LICENSING SUB-COMMITTEE



Report subject	<b>Application for a Premises Licence at Premier, 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB</b>
Meeting date	13 March 2024
Status	Public Report
Executive summary	<p>Mr Philip Day of Lacey's Solicitors has made an application on behalf of Zerya Elya Ltd for a new premises licence at Premier Penn Hill, a convenience store located at 1 Bank Chambers, Penn Hill, Poole.</p> <p>The application is to permit the Supply of Alcohol (Off Sales only) from 07:00 to 00:00 on every day of the week.</p> <p>The Licensing Authority has received 1 representation from 1 other person on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance and public safety 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</b></li><li><b>c) Grant the application 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):	Cllr Kieron Wilson – Portfolio Holder for Housing and Regulation
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Ellie King - Licensing Officer
Wards	Penn Hill
Classification	For Decision

## Background

1. This premises was formally known as Co-op and benefitted from a premises licence which permitted the off sales of alcohol between 08:00 and 23:00 hrs Monday to Saturday and 10:00 to 22:30 on Sunday. This licence was surrendered by Co-op on 31 August 2023.
2. An application was made by Philip Day on behalf of Zerya Elya Ltd on 18 January 2024 for a premises licence to allow off sales of Alcohol from 07:00 to 00:00 on every day of the week.
3. A copy of the application and layout plan is attached at appendix 1.
4. A location plan is shown at appendix 2.

## Consultation

5. The application was served on all responsible authorities. The applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
6. The application prompted a representation from a local Councillor under the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety licensing objectives.
7. A copy of the representation is attached at Appendix 3.
8. During the consultation period Mr Day attempted mediation with the councillor, who wished that the supply of alcohol be restricted to 22:30hrs Sunday to Thursday and 23:00hrs Friday and Saturday. In this correspondence Mr Day made reference to the opening hours of other premises in the vicinity and the Licensing Officer provided clarification of the licensable hours. At the time of preparing this report mediation has not been successful and the representation stands.
9. A copy of this email chain is attached at appendix 4. Please note that you should read this from the bottom up.

## Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:
  - The representation made by the local Councillor

- The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance and public safety.
- The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) and the Council's Statement of Licensing Policy.

### **Summary of financial implications**

11. 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**

12. 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**

13. There are no human resources implications.

### **Summary of sustainability impact**

14. There are no sustainability impact implications.

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

15. There are no public health implications.

### **Summary of equality implications**

16. There are no equality implications.

### **Summary of risk assessment**

17. There are no risk assessment implications

### **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 (December 2023)

[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/Revised_Guidance_issued_under_section_182_of_the_Licensing_Act_2003.pdf)

**Appendices**

- 1 - Copy of premises licence application and layout plan
- 2 - Location Plan
- 3 - Copy of representation from local Councillor.
- 4 - Copy of mediation email chain.