

LICENSING SUB-COMMITTEE



Report subject	Asda Express PFS Bath Road, 23 Bath Road, Bournemouth, BH1 2NJ
Meeting date	11 April 2024
Status	Public Report
Executive summary	Gosschalks LLP have made application on behalf of Euro Garages Limited for a new premises licence at Asda Express PFS Bath Road. For clarification, PFS stands for Petrol Filling Station. The application is to permit late night refreshment Monday to Sunday 23:00 to 05:00 and the Supply of Alcohol (Off Sales only) 24 hours, 7 days per week.
Recommendations	It is RECOMMENDED that: 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. 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.
Reason for recommendations	The Licensing Authority has received six representations from Other Persons on the grounds that granting the licence would undermine the prevention of crime and disorder, public safety, public nuisance and protection of children from harm licensing objectives. The Licensing Authority may only consider aspects relevant to the application that have been raised in representation. Where representations have been received in relation to an application by 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.

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 26 January 2024. The application is a convenience store in a petrol filling station and the applicant is seeking permission to Supply Alcohol for consumption off the premises 24 hours, 7 days per week and late-night refreshment 23:00 hrs to 05:00 hours, 7 days per week. 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 has confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application resulted in six representations from other persons under the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm licensing objectives. Copy representations are attached at Appendix 3.
5. The applicant entered into mediation with Dorset Police and have agreed to reduce the hours for the supply of alcohol from 24 hours to 06:00 to 00:00. In addition, they have agreed the following conditions to be added to the premises licence, should it be granted: -
 - *There shall be no sale of beer, lager or cider with an ABV of above 6.5% sold at the premises, other than artisan/craft beer, lager or cider.*
 - *There will be no sale of beer, lager or cider in single cans. For the avoidance of doubt this condition will not apply to artisan/craft beer, lager or cider sold in single units.*
 - *Spirits to be sold in 70cl / 1 litre bottles only.*
 - *Night hatch in operation between the hours of 22.00 - 06.00.*

A copy of the correspondence is attached at Appendix 4.

6. There are no representations from any other Responsible Authorities.

Options Appraisal

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

Summary of financial implications

8. An appeal may be made against the decision of the Sub-Committee, by the applicant or any party making representation, to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

9. If Members decide to refuse the application or attach conditions to the licence which the applicant or other persons who made representation do not agree to, the applicant or such other persons 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.

Summary of human resources implications

10. There are no human resources implications.

Summary of sustainability impact

11. There are no sustainability impact implications.

Summary of public health implications

12. There are no public health implications.

Summary of equality implications

13. There are no equality implications.

Summary of risk assessment

14. There are no risk assessment requirements.

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/ukxi/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 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 Application and layout plan.
- 2 – Copy location plan.
- 3 – Copy representations from other persons.
- 4 – Copy correspondence with Dorset Police.