

LICENSING SUB-COMMITTEE



Report subject	Westover Express, 45 Westover Road, Bournemouth, BH1 2BZ
Meeting date	25 June 2024
Status	Public Report
Executive summary	<p>Mrs Elina Kadir applied for a new premises which was accepted by the Licensing Authority on 29 April 2024.</p> <p>The application is to permit off sales of alcohol from the premises between the hours of 08:00 and 23:00 each day of the week.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to –</p> <ul style="list-style-type: none">a) Grant the application for a premises licence as made.b) Refuse the application.c) Grant the application subject to additional conditions. <p>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.</p>
Reason for recommendations	<p>The Licensing Authority has received representations from Dorset Police and BCP Council's Trading Standards under the grounds that to grant the application would undermine the prevention of crime and disorder, public safety and protection of children from harm licensing objectives.</p> <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 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 Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jillian Kay – Wellbeing
Report Authors	Sarah Rogers – Principal 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 April 2024 and accepted as complete on 29 April 2024.
2. As the premises did not display the public site notice within the statutory timeframe it was necessary to restart the consultation period from the 8 May 2024 to ensure compliance with Regulations.
3. The application is for an off licence facility within a convenience store providing alcohol between the hours of 08:00 and 23:00, each day of the week. A copy of the application is attached at Appendix 1.
4. A plan showing the location of the premises is attached at Appendix 2.

Consultation

5. 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.
6. The application resulted in 2 representations under the prevention of crime and disorder, public safety and protection of children from harm licensing objectives. A copy of the representations are attached at Appendix 3 and 4.
7. You will note from the email of 11 June 24 from Dorset Police at Appendix 3 that the applicant has offered to provide security at the premises from 21:00 hours during the weekends.
8. There were no other representations from any of the other responsible authorities or any other person.

Options Appraisal

9. Before making a decision, Members are asked to consider the following matters:-
 - The representations made by the responsible authorities.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder, public safety and the protection of children from harm.
 - The Licensing Act 2003, Regulations, Guidance

- The Council's Statement of Licensing Policy, in particular paragraph 19.5 which states:- .

19.5 In cases where representations are made against applications for off sales of alcohol for premises that are;

- In areas where Public Spaces Protection Orders (PSPOs) are in place
- Near to alcohol addiction recovery activities or buildings held in hospital or clinic settings
- In areas where drinking in public spaces affects any of the licensing objectives

The Licensing Authority may not support such applications and may refuse dependant on the evidence presented to support the representations

Summary of financial implications

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

Summary of legal implications

11. If Members decide to refuse the application or attach conditions to the licence which the applicant or responsible authorities do not agree to the applicant, or such responsible authority, 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

12. There are no human resources implications.

Summary of sustainability impact

13. There are no sustainability impact implications.

Summary of public health implications

14. There are no public health implications.

Summary of equality implications

15. There are no equality implications.

Summary of risk assessment

16. There are no risk assessment requirements.

Background papers

BCP Council – Statement of Licensing Policy

[SOLP-2020-2025 \(bcpCouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/SOLP-2020-2025)

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/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
- 2 – Copy Location Plan
- 3 – Representation Received – Dorset Police
- 4 – Representation Received – Trading Standards