

# LICENSING SUB-COMMITTEE



Report subject	<b>561 Christchurch Road, Boscombe, Bournemouth, BH1 4AH</b>
Meeting date	16 July 2024
Status	Public Report
Executive summary	<p>Licensing Matters Ltd have made application on behalf of Sai Chowdeshwari Group Ltd for a new premises licence.</p> <p>The application is to permit Late Night Refreshment Friday and Saturday 23:00 to 02:00 and Supply of Alcohol (Off Sales only) Sunday to Thursday 06:00 to 23:00 and Friday and Saturday 06:00 to 02:00</p>
Recommendations	<p><b>It is RECOMMENDED that:</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 for a premises licence;</b></li> <li><b>c) Grant the premises licence 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 has received ten 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 and from Dorset Police under the grounds that to grant the application would undermine the prevention of crime and disorder and public safety licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>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.</p>

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	Boscombe West
Classification	For Decision

## Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 23 May 2024.
2. The application is for a convenience store seeking the provision of late night refreshment on Fridays and Saturdays 23:00 to 02:00 and for the off sale supply of alcohol 06:00 to 23:00 from Sunday to Thursday and 06:00 to 02:00 on Fridays and Saturdays. A copy of the application is attached at Appendix 1.
3. The premises were previously occupied by Carphone Warehouse. A plan showing the location of the premises is attached at Appendix 2.

## Consultation

4. 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.
5. The application resulted in 10 representations from local residents under the prevention of crime and disorder, public safety, public nuisance and protection of children from harm licensing objectives. Copy representations are attached at Appendix 3.
6. Dorset Police also made representation under the prevention of crime and disorder, and public safety licensing objectives. Dorset Police indicated that mediation was ongoing, and that agreement was forthcoming. At the time of writing the report, conditions have not yet been agreed between the applicant and Dorset Police. A copy of the representation is attached at Appendix 4.
7. There were no other representations from any of the other responsible authorities or any other person.

## Options Appraisal

8. 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**

9. 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**

10. If Members decide to refuse the application or attach conditions to the licence which the applicant, other persons who made representation or responsible authorities who made a representation do not agree to, the applicant or such other persons and responsible authorities 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**

11. There are no human resources implications.

### **Summary of sustainability impact**

12. There are no sustainability impact implications.

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

13. There are no public health implications.

### **Summary of equality implications**

14. There are no equality implications.

### **Summary of risk assessment**

15. There are no risk assessment requirements.

### **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 (December 2023)**

[https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](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 – Representations from Other Persons
- 4 – Representation from Dorset Police.