

**LICENSING SUB-COMMITTEE
29 March 2018**

PRESENT: Councillor Andrew Morgan - Chairman; Councillor David Kelsey - Vice-Chairman; Councillor John Trickett.

ALSO PRESENT: Councillor Kieron Wilson (observing only, for training purposes)

The meeting commenced at 9.45 am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

24. APOLOGIES

There were none.

25. DECLARATIONS OF INTERESTS

There were no declarations of any disclosable pecuniary interests by Sub-Committee Members.

For transparency Councillor Trickett reported that he knew in passing one of the interested parties, Mr Duane Farr.

26. PUBLIC ITEMS

There were no public questions or deputation requests received for the meeting.

27. APPLICATION FOR A NEW PREMISES LICENCE - KINSON NEWS, FOOD AND WINE, 1518 WIMBORNE ROAD

The Sub-Committee considered an application made by Mr Philip Day of Laceys Solicitors LLP, representing Mr Roy Francis and Mrs Sinthuya Francis, for a new premises licence for Kinson News, Food and Wine, 1518 Wimborne Road. The application was to allow the supply of alcohol off the premises from 07.00 to 23.00 hours, every day.

Licensing Sub Committee, 29 March 2018

The Licensing Technician summarised the detail of the application as set out in Report '4'. Consultation on the application had resulted in the receipt of four representations against the application, from three local residents and from Councillor Amedeo Angiolini, Ward Councillor. The representations were made on the grounds that if granted, the new premises licence would undermine the prevention of public nuisance and prevention of crime and disorder licensing objectives. No representations had been received from any other responsible authorities. A written response to the representations received had been submitted by Mr Philip Day on behalf of the applicants, and was included as part of the report.

The following persons attended the Sub-Committee hearing and gave verbal evidence based on their written submissions:

- Local residents -
 - Mrs Lesley Edwards, speaking on behalf of herself and Councillor Angiolini
 - Mr Duane Farr
- On behalf of the applicant -
 - Mr Philip Day, Laceys Solicitors LLP
 - Mr Roy Francis, the applicant

As part of her submission Mrs Edwards, with the agreement of all parties, circulated photographs of the premises to support her representation.

As part of his submission Mr Day on behalf of the applicant offered to amend the proposed CCTV condition to include coverage of the area to the immediate rear of the premises, to respond to concerns about the prevention of anti-social behaviour.

Members of the Sub-Committee asked various questions to all parties present during the hearing. All parties were given the opportunity to ask questions of one another and to sum up, before the Sub-Committee retired to make its decision.

DECISION MADE:

That the application to allow the supply of alcohol on the premises from 07.00 to 23.00 hours, Monday to Sunday be granted, subject to the following conditions, indicated by the applicant's representative during the hearing to be acceptable:

- Amend CCTV condition to include coverage of the area to the rear of the premises
- Amend condition to specify that incident book is to be kept in English
- Add condition that no more than 50% of the front windows to be taken up with advertisements to afford a clear view of the outside of the premises at all times.

Licensing Sub Committee, 29 March 2018

REASONS FOR DECISION:

The Chairman explained that the Sub-Committee had taken into account all of the written evidence that had been submitted before the meeting, along with the verbal submissions made at the meeting by the parties present at hearing. The Sub-Committee was grateful for the opportunity for questions to be put to all parties. The Chairman thanked in particular the members of the public for their attendance and their excellent contributions to the hearing.

In granting the premises licence the Sub-Committee amended and added conditions to address concerns raised in the representations in relation to proxy sales and anti-social behaviour, and to ensure the licensing objectives were promoted. Although not included as a condition the Sub-Committee recommended as good practice that the applicant approaches the new operator of Westbrook Court to discuss any concerns in relation to its residents and the supply of alcohol.

The Chairman explained that the Sub-Committee welcomed the investment of a new business in the local area. He reminded the applicant of his responsibilities as a premises licence holder and his duty to be a good neighbour. The applicant was commended for his knowledge and understanding of the issues around proxy sales. It was important for the applicant to set the tone of how the premises would operate from the outset. The Sub-Committee wished the applicant every success in running the new business responsibly.

The Senior Solicitor advised all parties that any persons aggrieved by the decision would have the right of appeal to the Magistrates Court, and any such appeal should be lodged within 21 days of receiving the decision letter.

The meeting was adjourned from 10.28am to 10.42am.

The meeting closed at 10.46 am.

Contact: Jill Holyoake, Senior Democratic and Overview & Scrutiny Officer
 01202 454715
 jill.@bournemouth.gov.uk