

**LICENSING ACT 2003  
APPLICATION FOR A NEW PREMISES LICENCE  
DOBRA BO POLSKI, UNIT 16, ST BENEDICTS COURT, HUNTINGDON,  
PE29 3PN**

**(Report by Head of Community)**

**1. INTRODUCTION**

1.1 To consider and determine this application for a new premises licence for Dobra Bo Polski, Unit 16, St Benedicts Court, Huntingdon, PE29 3PN, taking into account the policy considerations detailed in paragraph 2 of the report and the representation detailed in paragraph 5.

1.2 John Kent Solicitors, the agents acting for Mr Awat Bahjat Hassan, the applicant, are seeking a new premises licence for Dobra Bo Polski, to permit:

Supply of alcohol (off the premises)

Mon- Sun 09:00 to 21:00

Hours premises are open to the public

Mon- Sun 09:00 to 21:00

1.3 A copy of the application and plan are attached as Appendix A.

**2. GENERAL DUTY/ POLICY CONSIDERATIONS**

2.1 The Sub-Committee's is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

2.2 The licensing authority must also have regard to –

- (a) its statement of licensing policy, and
- (b) any statutory guidance issued under Section 182 of the Licensing Act 2003.

**3. BACKGROUND**

3.1 The application describes the premises as a small retail convenience store and off licence. Mr Hassan will be both the premises licence holder and the designated premises supervisor. Mr Hassan holds a personal licence, issued by Wakefield Council. There is no history of grant of a premises licence under the Licensing Act 2003.

**4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT**

- 4.1 The operating schedule submitted by the applicant in Section 18 of the application addresses the four licensing objectives. Paragraphs 8.33-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed a number of measures in support of the licensing objectives. These include CCTV and Challenge 21, which will be translated into conditions, attached to the premises licence. They should be appropriate, proportionate and justifiable in meeting the licensing objectives, be readily understood and enforceable.

## **5. REPRESENTATIONS**

- 5.1 During the period for the receipt of representations, one representation was received by the licensing authority from 'other persons'. The representation has been attached in its entirety as Appendix B. Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.
- 5.2 Paragraph 9.9 of the Government Guidance recommends that in borderline cases, the benefit of doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify or clarify it. A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

## **6. ACTION BY THE LICENSING AUTHORITY**

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

## **7. OPTIONS**

- 7.1 Having regard to the representations and supporting documentation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are to grant the licence subject to conditions, modified as necessary, to exclude a licensable activity, or to reject the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 18(4) & (5)).

## **8. RECOMMENDATION**

- 8.1 That Members determine the application on its individual merits.

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

**Contact Officer: Christine Allison, Licensing Manager**  
**☎ 01480 388010**