

Notice of Licensing Sub-Committee



Date: Tuesday, 1 October 2019 at 10.00 am

Venue: Royal Hampshire Committee Room, Town Hall, Bournemouth BH2 6DY

Membership:

Chairman:

Vice-Chairman:

Cllr R Burton
Cllr N Decent
Cllr D A Flagg
Cllr D Kelsey (reserve)

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler - (01202) 633017 or email democratic.services@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

23 September 2019



Available online and
on the Mod.gov app



AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chairman

To elect a Chairman of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Councillors.

3. Declarations of Interests

Councillors are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding Disclosable Pecuniary Interests.

Councillors are also required to disclose any other interests where a Councillor is a member of an external body or organisation where that membership involves a position of control or significant influence, including bodies to which the Council has made the appointment in line with the Council's Code of Conduct.

Declarations received will be reported at the meeting.

4. Application for a New Premises Licence - Pyramids - 144 Old Christchurch Road

3 - 20

Laceys Solicitors representing Alina Aurelia Sarasan have made an application for a new premises licence to allow late night refreshment between 23.00 to 02.00 hours Sunday to Thursday and 23.00 to 05.00 Friday and Saturday.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.



Licensing Sub-Committee

Report subject	Application for a New Premises Licence Pyramids - 144 Old Christchurch Road.
Meeting date	01 st October 2019
Status	Public Report
Executive summary	Laceys Solicitors representing Alina Aurelia Sarasan have made an application for a new premises licence to allow late night refreshment between 23.00 to 02.00 hours Sunday to Thursday and 23:00 to 05:00 Friday and Saturday.
Recommendations	<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 for a premises licence; c) Grant the premises licence 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 two other persons in respect of this application under the prevention of public nuisance licensing objective.</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 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):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Contributors	Ms Michelle Fletcher ☎ 01202 451560 ✉ michelle.fletcher@bcpcouncil.gov.uk
Wards	Town Centre
Classification	For Decision

Background

1. An application for a new licence under the Licensing Act 2003 was made on the 8TH August 2019. The application is to allow late night refreshment between 23.00 to 02.00 hours Sunday to Thursday and 23:00 to 05:00 Friday and Saturday. See Appendix 1.
2. The proposed layout of Premises is attached as Appendix 2.
3. A plan is attached as Appendix 3 showing the location of the premises.

Consultation

4. The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
5. Two other persons have made representation in respect of this application under the prevention of public nuisance licensing objective. A copy of the representation is attached at Appendix 4.
6. The premises had the benefit of a Premises Licence between 24 November 2005 and 29 May 2019, this lapsed as they failed to Transfer the Licence within 28 days of the registered company being dissolved on the 30 April 2019.
7. The Current Applicants have been involved with 144 Old Christchurch Road since December 2017.

Options

8. Before making a decision, Members are asked to consider the following matters:
 - The representation made by other persons.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance and public safety.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

9. N/A

Summary of legal implications

10. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant 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. N/A

Summary of environmental impact

12. N/A

Summary of public health implications

13. N/A

Summary of equality implications

14. N/A

Summary of risk assessment

15. N/A

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

Appendices

1 – Copy of the Application

2 – Premises Layout

3 – Location Plan

4 – Representation

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Appendix 1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Alina Aurelia Sarasan

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Pyramids 144 Old Christchurch Road			
Post town	Bournemouth	Postcode	BH1 1NL
Telephone number at premises (if any)		None at present	
Non-domestic rateable value of premises		£21,250	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | | |
|-----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| | ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| | iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) | a health service body | <input type="checkbox"/> | please complete section (B) |
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Other Title (for example, Rev)	
Surname Sarasan			First names Alina Aurelia		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality Romanian					
Current residential address if different from premises address					
Post town	Bournemouth			Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

AS SOON AS POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
 Restaurant and Take-Away.
 Note that the premises had the benefit of a Premises Licence (BH084454) that was held by Pyramids Bournemouth Ltd ("the company") which authorised Films, Live and Recorded Music, Late Night Refreshment and the sale of alcohol for consumption on the premises until 2 a.m. daily (5a.m. on Fridays and Saturdays for films, recorded music and late night refreshment and until 4 a.m. on Tuesdays for late night refreshment) with an additional 30 minutes opening each day beyond the terminal hour for late night refreshment.
 The sole director of the company was the applicant's husband.
 Whilst the director was abroad and without apparent reference to him, the company's accountant dissolved the company but took no steps to preserve the licence by making the appropriate applications within the 28 day period. The licence therefore lapsed.
 When this came to light in mid-July 2019, the accountant advised the applicant and her husband that he would make an administrative application to Companies House to restore the

company to the Register and the effect of such a restoration would have been to retrospectively reinstate the licence as if the same had never lapsed. He advised that the process would take two to three weeks.

The applicant therefore gave a number of Temporary Event Notices to permit the premises to operate on a Friday and Saturday night to provide late night refreshment until 5 a.m. whilst the company was restored to the Register

On 6th August 2019, it transpired that the advice given by the accountant was wrong in that a restoration to the Register could not be dealt with administratively and that he should have made an application to the County Court to restore the company – a process that might take two or three months, if not longer.

This application is therefore made for the grant of a new licence to effectively replace the lapsed licence.

The premises are situated in the Central Bournemouth Cumulative Impact Area and the applicant is well aware of the consequences of that.

In addressing that issue, the applicant will point to the following:-

Although this is an application for a new licence, it is not an application for an additional licence where none had previously existed;

The application is considerably more restricted than the lapsed licence in that it does not include any form of regulated entertainment nor, most significantly, the sale of alcohol;

The conditions that are proposed in the application are designed to ensure that if granted, this licence would not add to the cumulative impact, not least (but not only) because they include a requirement to have SIA registered door supervisors when there was no such condition previously.

The premises have successfully operated over recent weekends under a series of Temporary Event Notices.

Please also note that the hours now proposed (which are more restricted than before, particularly regarding the opening times of the premises) reflect the hours that are permitted under the planning consent relating to the premises but also contain restrictions on the hours permitted for the sale of hot food. The present application also reflects those restrictions.

For those reasons, the applicant is confident that the grant of this application will not have any adverse impact on any of the licensing objectives.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not applicable

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☐

In all cases complete boxes K, L and M

Boxes A to H inclusive and J are blank and have not been included in the interest of saving paper and sustainability generally.

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) The hours sought are those are the same as permitted by the lapsed licence save for Tuesdays (which was 04:00 hours) and now accord with the relevant planning consent.		
Mon	23:00	02:00			
Tue	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) None		
Wed	23:00	02:00			
Thur	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) None		
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	02:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Alcohol is not included on the application and there is therefore no DPS nominated.	
Date of birth	Place of Birth
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). No adult entertainment or the like will be provided
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L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) None
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	08:00	02:00	
Tue	08:00	02:00	
Wed	08:00	02:00	
Thur	08:00	02:00	
Fri	08:00	05:00	
Sat	08:00	05:00	
Sun	08:00	02:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The relevant mandatory conditions will apply to the licence.

The sale of hot food or drink to be consumed away from the premises shall not be permitted after midnight on Sundays to Thursdays inclusive and after 05:00 hours on Fridays and Saturdays unless the conditions set out in the Planning Appeal decision APP/G1250/W/18/3212879 are varied.

b) The prevention of crime and disorder

A CCTV system shall be installed and thereafter maintained in good working order covering all public parts of the premises (except the lavatories) and the immediate outside area. All recordings shall be accurately date and time stamped and be retained for a minimum of 31 days.

Facilities shall be available to allow Police and other authorised officers to view recordings immediately on request and to be provided with copies in a readable format as soon as reasonably practicable, provided that all requests are compliant with data protection regulations. To that end, a member of staff trained and authorised to use the CCTV system shall be available at all times the premises are open to the public.

The CCTV shall be checked by a senior member of staff at least once a week; any defect in the CCTV system shall be rectified as soon as reasonably practicable and a written record shall be kept of the checks, any defect and steps taken to rectify the same. The record shall be made available for inspection on request by police and other authorised officers.

At least one SIA registered door supervisor shall be deployed at the premises from 23:00 hours until the last customer has left the immediate area on every Friday and Saturday night and on Sundays falling on a Bank Holiday.

Staff will be instructed not to serve any person who appears to be drunk or behaving anti-socially.

No deliveries to or from the premises shall take place between 23:00 and 07:00 hours, including the disposal of glass bottles or refuse.

c) Public safety

Note – not to form part of any licence condition – there are no matters of public safety associated with this application that are not adequately addressed by other legislation including but not limited to the Regulatory reform (Fire Safety) Order and no conditions are specifically proposed under this licensing objective.

d) The prevention of public nuisance

The use of the external area for the consumption of food will end at midnight each day.

A notice shall be displayed at the exit from the premises asking customer to leave quietly and to respect neighbours.

e) The protection of children from harm

Note – not to form part of any licence condition – there are no matters concerning the protection of children from harm associated with this application, not least because the application is for the provision of late night refreshment only and no conditions are specifically proposed under this licensing objective.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	for Lacey's Solicitors LLP
Date	8 August 2019
Capacity	Solicitor for the Applicant

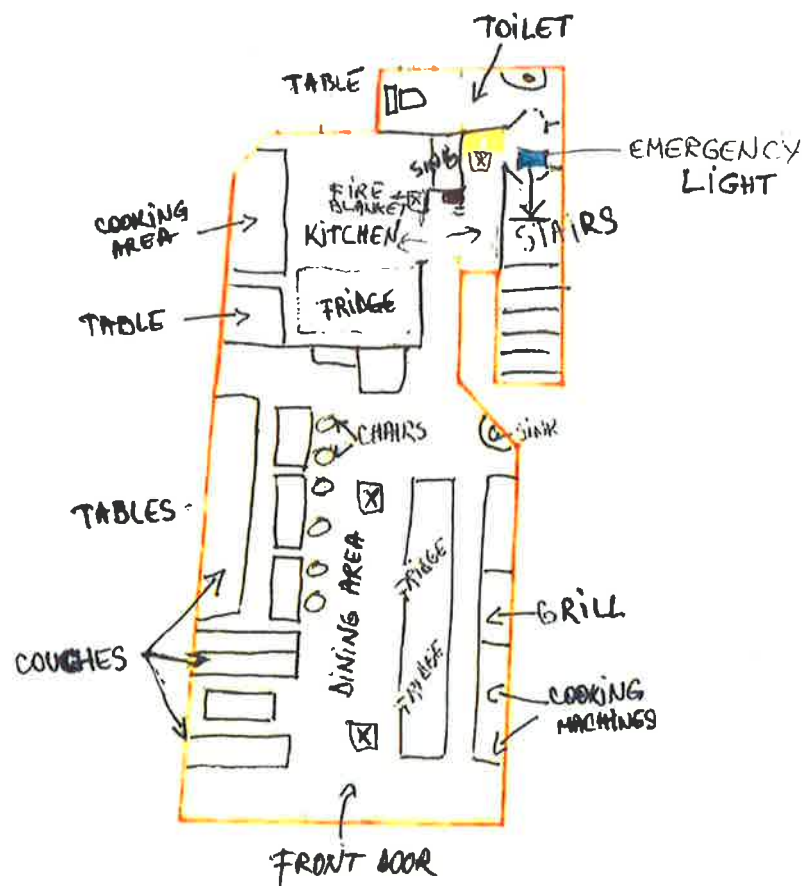
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Philip Day Lacey's Solicitors LLP 9 Poole Road			
Post town	Bournemouth	Postcode	BH2 5QR
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

The notes do not form part of the application form and have been removed in the interest of sustainability.

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Appendix 2



— LICENSED AREA

■ — FIRE EXTINGUISHER

☒ — SMOKE SENSOR

■ — EMERGENCY LIGHT

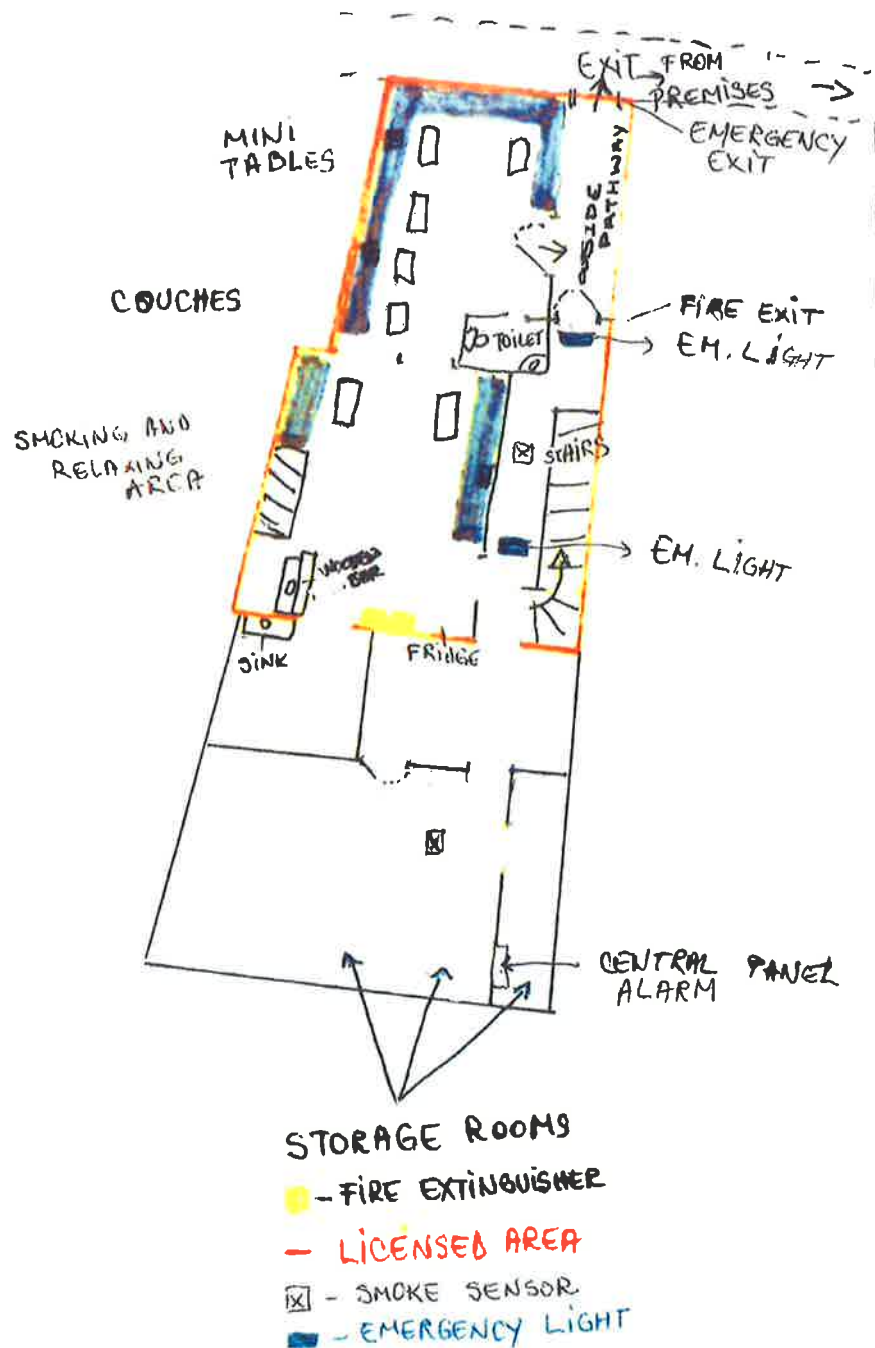
GROUND FLOOR

BOURNEMOUTH BOROUGH COUNCIL
LICENSING SECTION

16 FEB 2018

APPROVED

REF. No. M161133A



BASEMENT PLAN

BOURNEMOUTH BOROUGH COUNCIL
LICENSING SECTION

16 FEB 2018

APPROVED
REF. No. M161133B



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Licensing Act 2003 – Representation Form

EHCS

- 5 SEP 2019

Personal/Business Details

Name: [REDACTED]

Address:

Flat Old christchurch road

Town: Bournemouth

Post Code: BH1 1NL

Email:

Contact Telephone Numbers:

Mobile:

Daytime:

I wish my personal/business details to be excluded from public documentation
(tick box)

Premises Details (Please give as much information as possible)

Application Ref:

Name of Premises: pyramid

Address of Premises:

144 Old Christchurch road
BH1 1NL

Reasons for Representation (Please give information under each relevant Licensing Objective)

The Prevention of Crime and Disorder:

The Prevention of Public Nuisance:

Load music and noise as tv plays Load music up to 04:00 am
in spite of warnings from Mrs Sarah Rogers after her last visit

Public Safety:

Tables and chairs Left outside on front of the premises after
23:00 pm
As it is stood on the pavement causing distractions to public

The Protection of Children from Harm:

I declare that the information I have provided is true and correct.

Signed

Dated 01.09.2019

Licensing Act 2003 – Representation Form

Personal/Business Details	
Name:	
Address: <u>Flat</u> <u>old CHRISTCHURCH Road</u>	
Town: <u>BOURNMOUTH</u>	
Post Code: <u>BH1 1NL</u>	
Email:	
Contact Telephone Numbers:	Mobile: <u>Email only</u> Daytime:

I wish my personal/business details to be excluded from public documentation (tick box) <input type="checkbox"/>
--

Premises Details (Please give as much information as possible)
Application Ref:
Name of Premises: <u>PYRAMIDS</u>
Address of Premises: <u>144 old CHRISTCHURCH Road</u> <u>BH1 1NL</u>

Reasons for Representation (Please give information under each relevant Licensing Objective)
The Prevention of Crime and Disorder:
The Prevention of Public Nuisance: <u>Load music - Noise UNTill early morning 7 day Aweek.</u>
Public Safety: <u>TABLES + CHAIRS LEFT OUT side AFRONT OF The PREMISES untill morning.</u>
The Protection of Children from Harm:

I declare that the information I have provided is true and correct.

Signed

Dated 02/09/2014