

Licensing Sub-Committee

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| Report subject | Application for Variation of Premises Licence The Buffalo 303-305 Wimborne Road BH9 2AA |
| Meeting date | 20 August 2019 |
| Status | Public Report |
| Executive summary | Laceys Solicitors representing Russell Restaurants Bournemouth Limited have made an application for variation to the premises licence to extend both the commencement and terminal hours for the sale of alcohol and the provision of regulated entertainment. |
| Recommendations | <p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none"> a) Grant the application for variation as made; b) Refuse the application for variation; 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 two representations from Councillor Simon Bull and another person under the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</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> |

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| Portfolio Holder(s): | Councillor Lewis Allison - Tourism, Leisure and Communities |
| Corporate Director | Kate Ryan – Corporate Director for Environment & Community |
| Contributors | Sarah Rogers – Senior Licensing Officer ☎ (01202) 454929 ✉ sarah.rogers@bcpcouncil.gov.uk |
| Wards | Winton East |
| Classification | For Decision |

Background

1. An application for variation under the Licensing Act 2003 was made on 26th June 2019. The application is to extend the hours for the sale of alcohol and the provision of regulated entertainment to commence at 10:00 hours on all days and to end at 01:00 on Sundays to Thursdays with a further 30 minutes for late night refreshment and opening (01:30 hours). A copy of the application is at Appendix 1.
2. A plan is attached as Appendix 2 showing the location of the premises.
3. The premises have had the benefit of a Premises Licence since 25 November 2005 when the licence was converted from the previous Licensing Act 1964. On 26 September 2018 the licence was transferred and from then on operated as Buffalo under the ownership of the applicant.
4. On the 13 November 2018 Bournemouth Borough Council's Licensing Board considered a previous application to vary the permitted hours for the supply of alcohol, regulated entertainment, late night refreshment and the hours they are open to the public. A decision was made to grant on Fridays and Saturdays for the hours 11:00 to 02:00 for alcohol and regulated entertainment, 23:00 to 02:30 for late night refreshment and 11:00 to 02:30 for the opening hours with additional noise prevention conditions. The hours for Sundays before Bank Holidays, Christmas Eve and New Year's Eve until 05:00 hours the following day were also approved.
5. A copy of the current Premises Licence is attached as Appendix 3.
6. A number of Temporary Event Notices were given in April 2019 to allow live music from 23:00 to 00:00 hours for "Local Live" events. No complaints were received to Environmental Health as a result and they are not making representation to this application.

Consultation

7. 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.
8. The application prompted representations from two other persons on the grounds that they believe the grant of the application will undermine the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives. A copy of the representations are attached at Appendix 4.

Options

9. Before making a decision, Members are asked to consider the following matters:

- The representations made by the 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

10. N/A

Summary of legal implications

11. 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

12. N/A

Summary of environmental impact

13. N/A

Summary of public health implications

14. N/A

Summary of equality implications

15. N/A

Summary of risk assessment

16. N/A

Background papers

Bournemouth's Statement of Licensing Policy:

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

Appendices

- 1 – Copy of variation application
- 2 – Location plan
- 3 – Copy current Premises Licence
- 4 - Representations