

LICENSING SUB-COMMITTEE



Report subject	Application for Review of Premises Licence - Riviera Bar & Restaurant, 560 Christchurch Road, Bournemouth
Meeting date	4 February 2020
Status	Public Report
Executive summary	To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder licensing objective.
Recommendations	<p>It is RECOMMENDED that Members:</p> <ul style="list-style-type: none"> (a) Modify the conditions of the licence. (b) Exclude a licensable activity from the scope of the licence. (c) Remove the Designated Premises Supervisor. (d) Suspend the licence for a period not exceeding three months. (e) Revoke the licence. (f) Leave the licence in its current state. <p>Members 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>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer (01202) 454929 sarah.rogers@bcpcouncil.gov.uk
Wards	Boscombe West;
Classification	For Decision

Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on the 18 November 2019. Dorset Police believe the premises are being operated in contravention of the licence conditions and that there are incidents occurring as a result of mismanagement which have led to significant disorder. Dorset Police no longer have confidence in the DPS or premises licence holder. A copy of the review application is attached at Appendix 1.
2. A copy of the current premises licence and plan showing the location of the premises is attached at Appendix 2.
3. The premises have been licensed since 24 November 2005 when they successfully converted and varied their licence under the Licensing Act 2003.
4. Dorset Police submitted the application on 18 November 2019 and declared that a copy of the application had been served on the other responsible authorities and the licence holder on that day.
5. On 19 November 2019 Sarah Rogers of the Licensing Authority attended the premises and delivered the site notice for display. Two further notices were placed in the main offices of the Town Hall (Customer Services Reception at St Stephen's Road and the main public noticeboard in Bourne Avenue). A notice was also published on the BCP Council website.
6. A representation from the Licensing Authority has been submitted in support of the review application. A copy of this representation is attached at Appendix 3.
7. No other representations were received from any of the other responsible authorities or any other person, but Dorset & Wiltshire Fire and Rescue Service have issued an Enforcement Notice following a visit to the premises upon receipt of the review application. A copy of this is attached for information at Appendix 4.

Options Appraisal

8. Before making a decision, Members are asked to consider the following matters:
 - The representations made by Dorset Police and the Licensing Authority.
 - The submissions made by or made on behalf of the applicant.

- The relevant licensing objectives, namely the prevention of crime and disorder.
- The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

9. An appeal may be made against the decision of members by the applicant or the holder of the premises licence 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 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 sustainability 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 Review Application
- 2 – Copy of Current Premises Licence and Location Plan
- 3 – Representation in Support of the Review by the Licensing Authority
- 4 – Copy of Dorset & Wiltshire Fire and Rescue Enforcement Notice