

# Licensing Board

Report subject	<b>Application for a New Premises Licence Bar Beyond Whitley Court West Cliff Gardens Bournemouth BH2 5HL</b>
Meeting date	14 January 2020
Status	Public Report
Executive summary	Mr P Day of Lacey's Solicitors has made an application on behalf of Mr Shaun De Kment and Ms Wendy Lovett for a new premise licence at Bar Beyond, The Basement, Whitley Court, West Cliff Gardens, Bournemouth. The application is for the supply of alcohol on the premises Monday to Sunday 10:00 to 23:00 hours and late-night refreshment Monday to Sunday 23:00 to 23:30 hours.
Recommendations	<p><b>Members are asked to decide whether to: -</b></p> <ul style="list-style-type: none"> <li><b>a) Grant the application for a premises licence as made;</b></li> <li><b>b) Refuse the application for a premises licence;</b></li> <li><b>c) Grant the premises licence subject to additional conditions.</b></li> </ul> <p><b>Members of the Licensing Board 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.</b></p>
Reason for recommendations	<p>The Licensing Authority has received 31 representations from interested parties based on all the licensing objectives namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.</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 Board.</p>

Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Contributors	Mrs T Barlow ☎ (01202) 451180 ✉ trudi.barlow@bcpcouncil.gov.uk
Wards	Westbourne and West Cliff
Classification	For Decision

## Background

1. An application for a new licence under the Licensing Act 2003 was made on the 30 October 2019 as attached at Appendix A. The application is for the supply of alcohol on the premises Monday to Sunday 10:00 to 23:00 hours and late-night refreshment Monday to Sunday 23:00 to 23:30 hours. The new premise is to be known as Bar Beyond, and is situated at The Basement, Whitely Court, West Cliff Gardens, Bournemouth.
2. A plan is attached as Appendix B showing the location of the premises.

## Consultation

3. 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.
4. Mediation took place with Environmental Health Pollution Control and the following condition was agreed.

*“At all times the premises are open for licensable activities, either the door leading into/out from the premises or the door between the entrance lobby and the function room itself (or both) shall be kept closed, save for normal access and egress.”*

A copy of a draft licence that includes conditions offered in the application as well as the above agreed condition is attached at Appendix C.

5. The application prompted representations from 31 interested parties on the grounds of all four of the licensing objectives and that the premises are located in the Town Centre cumulative impact area. Copies of these representation are attached at Appendix D.

## Options

6. Before making a decision, Members are asked to consider the following matters:
  - The representations made by the interested parties.
  - The submissions made by or made on behalf of the applicant.
  - The relevant licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
  - The Licensing Act 2003, Regulations, Guidance and the Council’s Statement of Licensing Policy.

**Summary of financial implications**

7. N/A

**Summary of legal implications**

8. 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**

9. N/A

**Summary of environmental impact**

10. N/A

**Summary of public health implications**

11. N/A

**Summary of equality implications**

12. N/A

**Summary of risk assessment**

13. N/A

**Background papers**

Bournemouth Borough Council's Statement of Licensing Policy:

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

**Appendices**

A – Copy of application for a premises licence

B – Location plan of premises

C – Draft Licence

D – Objections from interested parties