

LICENSING SUB-COMMITTEE



Report subject	Application for a Full Variation of premises licence for Bistro on the Beach
Meeting date	17 March 2020
Status	Public Report
Executive summary	<p>Mr Ian Meads made an application on behalf of Mr Peter Bruton to vary the Premises Licence for Bistro on The Beach of Solent Promenade, Southbourne on the 28th January 2020. The application seeks to:</p> <p>Increase the licensable area to include the existing take away area Add off sales for the supply of alcohol /</p> <p>Identify the location of an outdoor temporary bar server area - all in accordance with the current licence schedule and conditions.</p> <p>This is a resubmission of the application as the Licensing Authority rejected the original application due to a technical issue. It was not advertised correctly in accordance with the guidelines of the Licensing Act 2003.</p>
Recommendations	<p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none">a) Grant the variation application as made;b) Refuse the variation application;c) Grant the application 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 a representation from Dorset Police under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.</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</p>

	<p>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
Report Authors	Ms Michelle Fletcher  (01202) 451560  Michelle.fletcher@bcpcouncil.gov.uk
Wards	East Southbourne & Tuckton;
Classification	For Decision

Background

1. on the 28th January 2020 an application was resubmitted to vary the premises licence BH083711 for Bistro on the Beach under the Licensing Act 2003 as attached at Appendix 1. This application mirrors the one originally submitted in August 2019 with the added advantage of agreed conditions with the Responsible Authorities. The application is for:

Removal of Transitional Grandfather rights conditions 1.8 to 1.18.

Add conditions as agreed with Dorset Police and Environmental Health.

Increase the licensable area in include the existing take away area.

Add off sales for the supply of alcohol.

Identify a temporary bar location– (technically this isn't required as the area is already licensed).

All in accordance with the current Licence schedule and conditions.

2. A plan is attached at Appendix 2 showing the location of the Premises.
3. A copy of the current premises licence is attached at Appendix 3

Consultation

4. The original application was submitted in August 2019 and both Environmental Health and Dorset Police mediated conditions with the applicant. The application was then rejected by the Licensing Authority in September 2019 as the application had not been advertised in accordance with the Licensing Act 2003.

At this time, it was agreed that the applicant would resubmit the application in the New Year as the changes were not required until the next season. They were advised that they should add any conditions agreed via mediation into the new application.

5. On the 27th January 2020 Mr Meads made contact with the Licensing Authority for pre-application advice relating to the site notice and newspaper advert so that the application would not be rejected again. At this time again, Mr Meads was reminded

to include any previously agreed conditions in the proposed application to which he confirmed he had.

6. The application for a full variation was then received on the 28th January and served on all responsible authorities, the applicant confirmed that the statutory notices were displayed on the site and published in the local newspaper.
7. The following comments were received by Environmental Health:

“On behalf of the Public Protection Team, please accept this e-mail as confirmation that I have corresponded with the applicant previously regarding this application and note that they have added the suggested conditions below to this application.

 1. *Noise from amplified music and associated sources either generated within the premises or the external licenced area shall not be audible in noise sensitive premises at any time.*
 2. *The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.*

This will therefore satisfy the department that the Licensing Objective in relation to prevention of public nuisance would be sufficiently upheld and therefore I have no objections to this application being granted.”
8. On the 7th February 2020 a representation was received from Dorset Police. A copy of this representation is attached at Appendix 4.
9. The Licensing Authority researched similar premises to gauge what other permissions have been previously granted for similar premises on the seafront. This information was shared with Dorset Police and they were also reminded that they had previously agreed conditions with the applicant and asked if they wished for their representation to remain. Dorset Police confirmed at that time that their representation was to remain.
10. No other representations were received from any of the other responsible authorities or any other person.

Options Appraisal

11. Before making a decision, Members are asked to consider the following matters:
 - The representations made by Dorset Police.
 - 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 Licensing Act 2003, Regulations, Guidance and the Council’s Statement of Licensing Policy.

Summary of financial implications

N/A

Summary of legal implications

12. The applicant has the right of appeal against the decision made by the committee 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

13. N/A

Summary of sustainability impact

14. N/A

Summary of public health implications

15. N/A

Summary of equality implications

16. N/A

Summary of risk assessment

17. 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 to vary a premises licence
2. Location plan of premises
3. Current Premises Licence
4. Licensing representation from Dorset Police