

LICENSING SUB-COMMITTEE



Report subject	Corner Cafe, 33 Sea Road, Boscombe, BH5 1DH
Meeting date	17 February 2021
Status	Public Report
Executive summary	Mr Tom Hollington, on behalf of Sicy Ltd, has made an application for a new premises licence for a new fish and seafood restaurant providing eat in and takeaway facilities. The application is for the provision of regulated entertainment, late night refreshment and the sale of alcohol, both on and off the premises.
Recommendations	It is RECOMMENDED that: Members are asked to decide whether to:- 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. 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.
Reason for recommendations	<p>The Licensing Authority has received representations from 3 other persons on the grounds that to grant this application it would undermine the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives.</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 from 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 May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Boscombe West
Classification	For Decision

Background

1. An application for a premises licence under the Licensing Act 2003 was made on the 5th January 2021. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 3 representations from other persons under the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives.
5. Environmental Health have agreed the following conditions, to replace those offered in the application, which will form part of the operating schedule should the application be granted:-
 - No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 - Loudspeakers shall not be located in a position that will cause nuisance. No loudspeakers will be located within the entrance lobby or outside the building.
 - All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 - The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 - The holder of the licence shall use all reasonable endeavours to ensure that customers do not loiter outside the premises and to that end, shall have a written dispersal policy in place which shall be periodically reviewed.
 - All tables and chairs shall be removed from the outside area by 22.00 each day.
 - No food or alcohol shall be served in the outside area after 22.00 hours

- Patrons permitted to temporarily leave and then re-enter the premises after 22.00, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 07.00 hours on the following day.
- Suitable lidded receptacles will be provided to receive and store refuse from the premises/site.
- Litter will be regularly cleared from the vicinity of the premises.
- No deliveries to the premises shall take place between 22.00 and 07.00 on the following day, and delivery drivers will be required to park considerately.

6. No Representations were received from any of the other responsible authorities.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
- The representations made by or on behalf of the 3 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, public safety and the protection of children from harm.
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018 and the Council's Statement of Licensing Policy.

Summary of financial implications

8. N/A

Summary of legal implications

9. 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

10. N/A

Summary of sustainability impact

11. N/A

Summary of public health implications

12. N/A

Summary of equality implications

13. N/A

Summary of risk assessment

14. N/A

Background papers

BCP Council – Statement of Licensing Policy –
<https://www.bcpCouncil.gov.uk/Business/Licences-and-permits/Documents/Licensing/solp-2020.pdf>

Hearing Regulations – <https://www.legislation.gov.uk/ukSI/2005/44/contents/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

1 – Copy Application

2 – Location Map

3 – Copy of Representations