

LICENSING COMMITTEE



Report subject	Licensing Act - premises licence application for Mudeford Quay
Meeting date	31 March 2021
Status	Public Report
Executive summary	<p>Stephen Hardwick on behalf of BCP Council has made an application for a premises licence for Mudeford Quay, Christchurch for the following activities and times:</p> <p>Plays – 10:00 to 23:00 Films - 10:00 to 23:00 Live Music - 10:00 to 23:00 Recorded Music - 10:00 to 23:00 Performances of Dance -10:00 to 23:00 Activity like music/dance - 10:00 to 23:00</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>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.</p> <p>Members of the Licensing 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 3 representations from other persons on the grounds that if this application were granted it would undermine the 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 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 Committee.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment and Community
Report Authors	Becky Baker – Senior Licensing Officer
Wards	Mudeford, Stanpit & West Highcliffe;
Classification	For Decision

Background

1. An application for a premises licence under the Licensing Act 2003 was submitted on the 10 Feb 2021. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the area to be licensed is attached at Appendix 2.
3. The application has been submitted following the merger of Bournemouth, Christchurch and Poole Councils. Christchurch Borough Council have held a premises licence at Mudeford Quay since the Licensing Act 2003 came into force in 2005. The previous licence is attached at Appendix 3. This licence has subsequently been surrendered.

Consultation

4. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed at the location to be licensed and published in the local newspaper.
5. The application prompted 3 representations from other persons under the following 3 licensing objectives; the prevention of a public nuisance, the prevention of crime and disorder and public safety. A copy of the representations are attached at Appendix 4
6. As part of the consultation process Environmental Health have agreed (see Appendix 5) with the applicant that the following conditions be attached to the premises licence should it be granted:
 - When a TEN is in place, the area subject to the TEN shall be clearly identified.
 - Any event that provides live or recorded music must submit, and have agreed, a Noise Management Plan (NMP) 28 days before the event. The NMP must include contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. If a noise officer from BCP regulatory team assess the noise levels and finds them to be unacceptable, event may be closed down without prior warning.
 - Music noise levels shall not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises.
 - Between the hours of 23:00 and 10:00 music noise should not be audible within a noise sensitive premises with the windows open in a typical manner for ventilation.
 - Low frequency noise shall be adequately controlled particularly 63Hz and 125Hz which shall not exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.

- The number of events involving live or recorded amplified music that could impact on neighbouring residential properties should be limited to **3** per calendar year.
7. A copy of the above agreed conditions were sent by email to each person that had made a representation prior to the end of the consultation period on the 10 March 2021.
 8. The Police have also requested and the applicant agreed (see Appendix 6) that the following conditions be attached to the premises licence should it be granted;
 - No later than 28 days before the start of the each event, the licence holder will submit to the Licensing Authority, Dorset Police and the Local Authorities Safety Advisory Group for the prior approval of the Licensing Authority an Event Management Plan for that event.
 - All licensable activities at each event would then take place in accordance with the relevant approved Event Management Plan which would act as the operating schedule for the premises, to ensure that all licensable activities at each event would take place in accordance with the relevant approved Event Management Plan which would act as the operating schedule for the premises.
 - The following shall be detailed (but not limited to) within The Event Management Plan;
 - Agency contact list
 - Site plan
 - Event risk assessment
 - Crowd Management & Security
 - Showstop Procedure
 - Noise Management Plan
 - Child & Vulnerable Person Protection Policy
 - Event capacity and timings
 - Fire risk assessment
 9. No other responsible authorities made a representation regarding the application.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:
 - The representations made by or on behalf of the other persons.
 - The submissions made by or made on behalf of the applicant.
 - 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

11. N/A

Summary of legal implications

12. 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

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

BCP Council – Statement of Licensing Policy –

<https://www.bcpCouncil.gov.uk/Business/Licences-andpermits/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**

Appendix 1 – Application for a premises licence

Appendix 2 – Plan of the premises

Appendix 3 – Christchurch Borough Council premises licence

Appendix 4 – representation from other persons

Appendix 5 – Email agreeing to Environmental Health conditions

Appendix 6 – Email agreeing to Police conditions