

LICENSING COMMITTEE



| | |
|----------------------------|---|
| Report subject | Beach Wedding Area, West Undercliff – Application for Variation to Premises Licence |
| Meeting date | 21 April 2021 |
| Status | Public Report |
| Executive summary | <p>BCP Council has made an application to vary the premises licence to enable outdoor pop up catering sites across the Seafront to enhance the existing offering for the main season and therefore use the area for events other than beach weddings.</p> <p>The application has requested the following:-</p> <ul style="list-style-type: none">• To add the sale of alcohol every April – September from 10:00 to 22:00.• To increase the live and recorded music timings to 10:00 to 22:00.• To apply for plays, films, indoor sporting events and the performance of dance. <p>Out of the proposed times the site will continue to be a beach wedding area.</p> |
| Recommendations | <p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>a) Grant the variation application as made;</p> <p>b) Refuse the variation application;</p> <p>c) Grant the variation 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 representations from 15 other persons on the grounds that to grant this application 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> |

The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.

Where representations have been received from 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.

However, as the premises are operated by BCP Council, as relevant representations have been received, the matter has been brought before the Licensing Committee in accordance with the Council's Constitution Scheme of Delegation at 3.2(f) for determination.

| | |
|----------------------|--|
| 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 | Westbourne & West Cliff |
| Classification | For Decision |

Background

1. An application for variation to the premises licence under the Licensing Act 2003 was made on the 2nd March 2021. A copy of the application is attached at Appendix 1 together with the location plan in support showing the extent of the licensed area.
2. The premises are currently licensed under Premises Licence BH117978 which was granted on 13th April 2011. A copy of the current premises licence is attached at Appendix 2.

Consultation

3. The application was served on all responsible authorities by the Licensing Authority and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The application prompted 15 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. A copy of the representations received is attached at Appendix 3.
5. Environmental Health agreed conditions with the applicant which will form part of the operating schedule should the application be granted. A copy of these conditions is attached at Appendix 4.
6. Initial concerns were raised by Dorset Police but, following mediation, conditions were agreed which are attached at Appendix 5 and will also form part of the operating schedule should the application be granted.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
 - The representations made by or on behalf of the 15 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

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.
10. Any other person who has made a relevant representation also has the right to appeal against the decision made by the Licensing Committee.

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

BCP Council – Statement of Licensing Policy –

<https://www.bcpCouncil.gov.uk/Business/Licences-andpermits/Documents/Licensing/solp2020.pdf>

Hearing Regulations –

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

Licensing Act 2003 Guidance –

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

Responsibility of Functions under the Council's Constitution Scheme of Delegation (see 3.2(f) –

<https://democracy.bcpCouncil.gov.uk/documents/s22974/Part%203%20%20Responsibility%20for%20Functions.pdf>

Appendices

Appendix 1 – Copy application for variation and location plan

Appendix 2 – Current Premises Licence BH117978

Appendix 3 - Representations received

Appendix 4 – Conditions agreed with Environmental Health

Appendix 5 - Conditions agreed with Dorset Police