

LICENSING SUB-COMMITTEE



Report subject	Urban Reef, Undercliff Drive
Meeting date	12 May 2021
Status	Public Report
Executive summary	<p>Licensing Lawyers, on behalf of the licence holders Urban Reef Restaurant Limited, have made application for a premises licence for their restaurant to include the beach deck area.</p> <p>Application is made for regulated entertainment, late night refreshment and the supply of alcohol, both on and off the premises, 24 hours a day each day of the week, with the following exceptions:-</p> <p>No sale of alcohol for consumption in the external areas of the premises shall take place between the hours of 23:00 and 08:00 the following day.</p> <p>Regulated entertainment shall not take place between the hours of 22:00 and 08:00 the following day.</p> <p>Late night refreshment, after 23:00, shall not apply to the beach deck area.</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;</p> <p>b) Refuse the application for a premises licence;</p> <p>c) Grant the premises licence subject to additional conditions.</p> <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 representations from Dorset Police and one other person on the grounds that to grant this application it would undermine the prevention of crime and disorder and the prevention of public nuisance licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</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.
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	Bournemouth Central
Classification	For Decision

Background

1. An application for a premises licence under the Licensing Act 2003 was made on the 11th March 2021. A copy of the application and supporting plan is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.
3. The premises are currently licensed and the new application is made to include the external beach decked area with a connecting area for transit. The terms and conditions of the current licence are replicated, with the exception of the decked area where restrictions have been offered on its use between the hours of 22:00 and 08:00 the following day.
4. A copy of the current licence is attached at Appendix 3.

Consultation

5. 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.
6. The application prompted a representation from Dorset Police and one other person under the prevention of crime and disorder and prevention of public nuisance licensing objectives.
7. A copy of the representation made by Dorset Police, which includes the thread of conversation between them and the applicant's solicitor is attached at Appendix 4. The proposed conditions referred to are attached at Appendix 5. Subsequent amendments and suggestions to these conditions by the applicant are attached at Appendix 6.
8. The representation from the other person is attached at Appendix 7.
9. Environmental Health have agreed for the following two conditions to be imposed, should the application be granted:-

- a) Where licensable live or recorded music is planned to be held on the beach deck, a Noise Management Plan (NMP) must be submitted at least 28 days before the event. The NMP must include schedule, breaks, details on any amplification, sound levels and the processes in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. The plan shall include the methodology to achieve that Music noise levels do not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises and that low frequency noise shall be controlled at the 63Hz and 125Hz octaves, so as not to exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.
 - b) The premises licence holder shall require that any patrons drinking and/or smoking immediately outside the premises do so in an orderly manner and are supervised by staff.
10. Two further representations were received from other persons but following discussions with the applicant they confirmed to the Licensing Authority that they were satisfied with the proposals being made and withdrew their representations accordingly.
11. No Representations were received from any of the other responsible authorities.

Options Appraisal

12. Before making a decision, Members are asked to consider the following matters:
- The representations made by or on behalf of Dorset Police and the other person.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder and prevention of public nuisance.
 - 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

13. N/A

Summary of legal implications

14. 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

15. N/A

Summary of sustainability impact

16. N/A

Summary of public health implications

17. N/A

Summary of equality implications

18. N/A

Summary of risk assessment

19. 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 – Copy application and plan

Appendix 2 – Location plan

Appendix 3 – Copy current premises licence

Appendix 4 – Representation by Dorset Police

Appendix 5 – Proposed conditions

Appendix 6 – Suggested amendments by applicant to proposed conditions

Appendix 7 – Representation by other person, Mr T Goodship