

LICENSING SUB-COMMITTEE



Report subject	Application for a New Premises Licence for Chunkzz Fried Chicken & Pizza, 683 Christchurch Road, BH7 6AA
Meeting date	9 June 2021
Status	Public Report
Executive summary	Mr David Ramsay, Licensing Consultant, on behalf of Mr Chicken Club Limited, has made an application for a premises licence for a new restaurant and takeaway to provide Late Night Refreshment between the hours of 23:00 to 04:00 Monday to Sunday (indoors and outdoors) and on and off sales of alcohol, between the hours of 12:00 and 04:00 Monday to Sunday. The applicant has explained that although the terminal hour requested is 04:00, the premises will close its doors to the public at 00:00 Sunday to Thursday and 02:00 on Friday and Saturday. Only home deliveries will take place between 00:00 and 04:00 on Sunday to Thursday and 02:00 to 04:00 on Friday and Saturday.
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 representation from 1 other person on the grounds that the application would undermine the prevention of public nuisance licensing objective.</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 the parties, the Scheme of Delegation set out in the Council's Constitution states that these</p>

	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	Tania Jardim – 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 24th March 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 1 representation from other persons under the prevention of public nuisance licensing objective. The representation included comments under the prevention of crime and disorder licensing objective and the protection of children from harm licensing objectives, however, the reasons provided were not relevant for this application. A copy of the representation is attached at Appendix 3.
5. Mediation took place with Environmental Health Pollution Control which resulted in an agreement by the applicant to reduce the terminal hour for delivery to 01:00 Sunday to Thursday and 02:00 Friday and Saturday, in line with other similar premises in the locality. The closing time of the premises to the public is to remain 00:00 Sunday to Thursday and 02:00 on Friday and Saturday. Only home deliveries will take place between 00:00 and 04:00 on Sunday to Thursday and 02:00 to 04:00 on Friday and Saturday. The following conditions were also agreed, should the application be granted: -
 - Staff will encourage customers and delivery drivers to leave quietly, not loiter outside or in the vicinity of the premises and always have regard for residents.
 - All staff including delivery drivers will be trained (and the training signed by employees) making them aware that they must be considerate of neighbouring premises; a sign requiring this will also be placed on the back door at all times.
6. No representations were received from any 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 other persons.
- The submission made by or made on behalf of the applicant.
- The relevant licensing objectives, namely the 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

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_202003_April_2018_.pdf

Appendices

1 – Copy of Application

2 – Location Map

3 – Copy of Representation