

LICENSING SUB-COMMITTEE



Report subject	Application for Variation to Premises Licence The Boathouse, 9 Quay Road, Christchurch
Meeting date	21 July 2021
Status	Public Report
Executive summary	<p>Application has been made by Trethowans Solicitors, on behalf of Macemade Limited, to remove condition 2.10 imposed on the licence which states:-</p> <p>“This variation will only have effect during the imposition of restrictions under the Coronavirus Act 2020 prohibiting or rendering unviable the normal use of the premises under the Premises Licence.”.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>a) Grant the application for variation as made;</p> <p>b) Refuse the application for variation;</p> <p>c) Grant the variation 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 20 other persons, which includes a representations from Councillor Coulton of Christchurch Town Council and one from Christchurch Town Council as a whole, to the removal of this condition on the grounds that to grant the application will undermine all four 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</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	Sarah Rogers – Senior Licensing Officer
Wards	Christchurch Town
Classification	For Decision

Background

1. The boathouse has had the benefit of a premises licence for alcohol on sales for a number of years (due to data migration with the merge of councils we do not hold exact date).
2. In 2020 the premises submitted a minor variation to allow off sales and that application received four representations from other persons. Their main concerns were:-
 1. Litter from takeaway food from other establishments.
 2. Human waste in and around the Quay area, Priory and resident's drives.
 3. Anti-social and drunken behaviour.
 4. Lack of social distancing.
 5. Water sports being conducted on the Quay.
 6. Public toilets closed.
 7. Full bins.
3. Dorset Police and Environmental Health were consulted on the minor variation and did not make a representation.
4. Delegation is given to Officers to decide whether to grant or refuse a minor variation application and there is no right to a hearing, however, representations must be taken into account in arriving at a decision.
5. Following consultation with the licensing team the applicant's solicitor responded to the concerns raised and after obtaining advice from the Licensing Authority's own legal representative it was agreed that the application be granted, subject to a condition to allow the alcohol off sales on a temporary basis during the Covid pandemic – this became condition 2.10.
6. A copy of the email sent to all those who made a representation, explaining the reasons for the decision to grant, is attached at Appendix 1
7. Subsequently, an application for minor variation was made on 11th May 2021 to remove condition 2.10 and allow off sales however 25 representations were received from other persons. Environmental Health, Dorset Police, Public Health, Children's Services and Trading Standards were consulted but no representations were received from them.

8. In light of the representations received from other persons Officers refused the application on the grounds of the likely effect of the grant on the promotion of the licensing objectives.
9. The only way forward for the applicant to pursue the removal of condition 2.10 to allow off sales on a permanent basis was to apply for a full variation.

Current application under consideration

10. The application for variation to the premises licence under Section 34 of the Licensing Act 2003 was made on the 3rd June 2021 to remove condition 2.10 imposed on it. A copy of the application is attached at Appendix 2.
11. A plan showing the location of the premises is attached at Appendix 3.
12. A copy of the current premises licence (BH175285) is attached at Appendix 4.

Consultation

13. 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.
14. The application prompted representations from 20 other persons, including Cllr Coulton of Christchurch Town Council and the Town Council as a whole, concerned that the grant of this application will undermine the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives. Copies of the representations received is attached at Appendix 5.
15. No representations were received from any of the responsible authorities.

Options appraisal

16. Before making a decision, Members are asked to consider the following matters:
 - The representations made by other persons.
 - The submissions made by, or 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 (Section 35), 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

17. N/A

Summary of legal implications

18. 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

19. N/A

Summary of sustainability impact

20. N/A

Summary of public health implications

21. N/A

Summary of equality implications

22. N/A

Summary of risk assessment

23. N/A

Background papers

BCP Council – Statement of Licensing Policy –

https://www.bcpCouncil.gov.uk/Business/Licencesandpermits/Documents/Licensing/solp_2_020.pdf

Hearing Regulations –

[https://www.legislation.gov.uk/ukSI/2005/44/contents/made/Licensing Act 2003](https://www.legislation.gov.uk/ukSI/2005/44/contents/made/Licensing%20Act%202003)

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](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 – Email to other persons regarding grant of minor variation
- 2 - Copy application
- 3 – Location plan
- 4 – Copy current premises licence (BH175285)
- 5 – Copy representations received