

LICENSING SUB-COMMITTEE



Report subject	Splinters, 11-12 Church Street, Christchurch, BH23 1BW
Meeting date	28 September 2021
Status	Public Report
Executive summary	<p>Tiki Bar Ltd have made an application to vary the current premises licence which was transferred to them with immediate effect on the date both the variation and transfer applications were accepted on 16 August 2021.</p> <p>The current licence permits on and off sales of alcohol between the hours of 10:00 to 00:00 Monday to Saturday and 12:00 to 23:30 on Sundays. Good Friday and Christmas Day alcohol is permitted from 12:00 to 23:30. The licence also permits late night refreshment Monday to Saturday from 23:00 to 00:30 and 23:00 to 00:00 on Sundays.</p> <p>Variation is made to extend the permitted hours and opening hours of the premises and include Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve extensions and add live and recorded music for the following hours:-</p> <p>Late Night Refreshment – Friday and Saturday from 23:00 to 01:30. Bank Holidays, Christmas Eve and Boxing Day from 23:00 to 01:30 and New Year's Eve from 23:00 to 05:00</p> <p>Sale of Alcohol – Sunday to Thursday from 10:00 to 00:30 and 10:00 to 01:30 on Friday and Saturday. Bank Holidays, Christmas Eve and Boxing Day from 12:00 to 01:30 and New Year's Eve from 10:00 to commencement of business on 1 January.</p> <p>Live and Recorded Music – Sunday to Thursday from 12:00 to 00:30 and 12:00 to 01:30 on Friday and Saturday. Bank Holidays, Christmas Eve and Boxing Day from 12:00 to 01:30 and New Year's Eve from 10:00 to commencement of business on 1 January.</p> <p>Opening Hours – Sunday to Thursday from 12:00 to 01:00 and 12:00 to 02:00 on Friday and Saturday. Bank Holidays, Christmas Eve and Boxing Day from 12:00 to 02:00 and New Year's Eve from 10:00 to commencement of business on 1 January.</p> <p>Current conditions 11, 12,15 and 16 are requested to be removed and a number of additional conditions have been offered within the application to be imposed on the licence if granted.</p>

<p>Recommendations</p>	<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, or part of, for variation to the premises licence;</p> <p>c) Grant the application, or part of, 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>
<p>Reason for recommendations</p>	<p>The Licensing Authority has received a representation from Environmental Health and two other persons on the grounds that to grant the application it 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 representation. 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.</p>

Portfolio Holder(s):	Councillor May Haines – Portfolio Holder for Community Safety
Corporate Director	Kate Ryan – Chief of Operations
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Christchurch Town
Classification	For Decision

Background

1. An application to vary premises licence BH177368 (previous Christchurch Borough Council licence number PL0094), under Section 34 of the Licensing Act 2003, was made by Tiki Bar Ltd on 16 August 2021. A copy of the application is attached at Appendix 1.
2. A copy of the current licence 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 the representations by Environmental Health and two other persons under the prevention of public nuisance licensing objective. Copies of the representations, and subsequent responses from the applicant, are attached at Appendix 3.
5. Dorset Police mediated with the applicant and have agreed additional conditions to be imposed on the licence if granted, attached at Appendix 4, to uphold and promote the prevention of crime and disorder and public safety licensing objectives.
6. No representations were received from any of the other responsible authorities.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:-
 - The representations made by Environmental Health and two other persons.
 - The submissions made by or on behalf of the applicant.
 - The relevant licensing objective, 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.bpcouncil.gov.uk/Business/Licences-and-permits/Documents/Gambling/final-version-solp-2020.pdf>

Hearing Regulations

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

Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

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 – Copy application
- 1a – Application plan
- 2 – Copy current premises licence
- 3 – Representations received
- 4 – Conditions agreed with Dorset Police