

LICENSING SUB-COMMITTEE



Report subject	128 Charminster Road, Bournemouth
Meeting date	2 March 2022
Status	Public Report
Executive summary	<p>Mr Jon Wallsgrove of John Gaunt & Partners has made an application on behalf of Ms C Tuvey for a restaurant with bar facilities.</p> <p>The application is for the provision of recorded music and late night refreshment between the hours of 23:00 and 02:30 and the supply of alcohol (on and off the premises) between the hours of 10:00 and 02:00.</p> <p>The Licensing Authority has received two representations from Councillors Mark Anderson and Cheryl Johnson on the grounds that to grant the application it would undermine all four licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none">a) Grant the application for a premises licence as made;b) Refuse the application for a premises licence;c) Grant the premises licence subject to additional conditions. <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.</p> <p>Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation.</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 applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Queen's Park
Classification	For Decision

Background

1. An application for a premises licence under Section 17 of the Licensing Act 2003 was made on 10th January 2022. 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. Two representations were received from Councillor Mark Anderson and Councillor Cheryl Johnson. Copies of the representations are attached at Appendix 3.
5. Dorset Police and Environmental Health mediated additional conditions with the applicant during the consultation period, therefore negating the need to make a representation. The conditions agreed are attached at Appendix 4.
6. Mr Wallsgrove, solicitor acting for the applicant, responded to the Councillors, addressing the issues raised in their representation. A copy of Mr Wallsgrove's email is attached at Appendix 5 which sets out the conditions agreed with Dorset Police and Environmental Health.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters:
 - The submissions made by or made on behalf of the applicant.
 - The representation made by or on behalf of Councillors Anderson and Johnson.
 - 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, 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/Licencesandpermits/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

- 1 – Copy Application
- 2 – Location Plan
- 3 – Copy Representations
- 4 – Conditions Agreed with Dorset Police and Environmental Health
- 5 – Response to Representations

