

LICENSING SUB-COMMITTEE



Report subject	Application for a Premises Licence at SoBo Beach, Solent Promenade, Southbourne Coast Road
Meeting date	19 July 2022
Status	Public Report
Executive summary	<p>Ms Sandra Graham of Threthowans LLP has made application on behalf of Macemade Limited for a premises licence at SoBo Beach, Solent Promenade, Southbourne Coast Road (on the site where Bistro on the Beach used to be located). The application is for the following: -</p> <p><u>Provision of Live Music</u> (indoors & outdoors) Monday to Sunday 12:00 to 22:00</p> <p><u>Provision of Recorded Music</u> (indoors & outdoors) Monday to Sunday 12:00 to 22:00</p> <p><u>Supply of alcohol</u> (On & Off) Monday to Sunday 10:00 to 22:00</p> <p>The Licensing Authority has received representations from three other persons on the grounds that to grant the application would undermine the prevention of crime and disorder and prevention of public nuisance licensing objectives.</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	The Licensing Authority has received 3 representations from other persons in objection to the application on the grounds that to grant the application, would undermine the prevention of crime and

	<p>disorder and 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 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 the application should be dealt with by the Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Tania Jardim – Licensing Officer
Wards	East Southbourne & Tuckton;
Classification	For Decision

Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 30th of May 2022. The application is for a new premises licence for Sobo Beach, on the site of where Bistro on the Beach used to be located. The application is for the Provision of Live Music and Recorded Music (indoors and outdoors) Monday to Sunday 12:00 to 22:00 and the Supply of alcohol (On and Off sales) Monday to Sunday 10:00 to 22:00. A copy of the application, including the plan of the premises, is attached at Appendix 1.
2. The site currently benefits from a premises licence, BH083711, under the name of Bistro on the Beach. This was previously held by Bournemouth Christchurch Poole Council (Seafront Services) but has now been transferred to Macemade Ltd, although is not operational in its current format due to the area not complying with the plan of the Licence premises under the 'Bistro on the Beach' licence. That licence permits the following: -

Live Music: (Indoors)

Monday to Saturday 15:00 to 00:00

Sunday to 15:00 to 23:30

Recorded Music: (Indoors)

Monday to Saturday 15:00 to 00:00

Sunday 15:00 to 23:30

Performances of Dance: (Indoors)

Monday to Saturday 15:00 to 00:00

Sunday to 15:00 to 23:30

Activity like Music / Dance: (Indoors)

Monday to Saturday 15:00 to 00:00

Sunday 15:00 to 23:30

In addition, there are non-standard timings for the above licensable activities on New Year's Eve from start of permitted hours on 31st of December to end of permitted hours on 1st of January

Late Night Refreshment: (Indoors)

Monday to Saturday 23:00 to 00:30

Sunday 23:00 to 00:00

Supply of Alcohol: (On & Off)

Monday to Saturday 10:00 to 00:00

Sunday - 12:00 to 23:30

In addition, there are non-standard timings for the provision of late night refreshments and supply of alcohol on Good Friday 23:00 to 00:00, Christmas Day 12:00 to 15:00 and 19:00 to 23:30 and New Year's Eve from start of permitted hours on 31st of December to end of permitted hours on 1st of January.

A copy of the premises licence for Bistro on the Beach is attached at Appendix 2.

Background

3. The former building housing Bistro on the Beach has been demolished and the proposed new venue is a temporary structure/pop up to be run while the main structure is awaiting redevelopment.
4. Following receipt of representations, the applicant's solicitor has submitted an application to transfer the Premises Licence BH083711 from Bournemouth Christchurch and Poole Council to Macemade Limited (this has been agreed) along with an application to vary the premises licence to change the layout plan and a variation of condition 3.1 to read as follows: -

- *Sales of alcohol for consumption off the premises shall only be permitted between 10:00 hours and 21.30 hours on Mondays to Saturdays inclusive, between 12:00 hours and 21.30 hours on Sundays and Good Friday and from 12.00 hours to 15.00 hours and 19.00 hours to 21.30 hours on Christmas Day.*

In addition, the following conditions have been offered for Off Sales: -

- *A maximum of six alcoholic drinks may be purchased at any one time per customer.*
 - *Wine to be sold by the glass.*
5. The applicant's solicitor has advised that these applications have been submitted in case the application for a new licence is not granted. The Applicant has confirmed that it, notwithstanding the variation application, they still wish to apply for a new licence and it is this new licence that is being considered by the Licensing Sub Committee. A copy of the variation application is attached at Appendix 3 for information only and is currently still in consultation.

Consultation

6. The application the new premises licence under Section 17 of the Licensing Act 2003 was made on 30th of May 2022 was served on all responsible authorities and the applicant's solicitor confirmed that the statutory notices were displayed on site and published in the local newspaper.
7. The application prompted 3 representations from other persons under the prevention of crime and disorder and prevention of public nuisance licensing objectives. A copy of these representations is attached at Appendix 4.

8. Mediation took place with Dorset Police and Environmental Health and the following conditions were agreed: -

Dorset Police Agreed Conditions

- The terminal hour for the sale of alcohol will be 21.30 each evening to allow time for alcohol to be consumed following purchase prior to the premises closing.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
- When the premises remain open beyond 20:00hrs staff on site at the time shall remain in and around the premises for one hour to assist with dispersal and any litter collection.
- A First Aider to be available at all times the premises is open for licensable activity.
- Food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied from the premises.
- No shots / shooters to be sold - spirits shall only be sold with a mixer
- No beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
- The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff or management so as to ensure that there is no public nuisance or obstruction to the public highway.
- The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors and/or Marshals at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff/marshals on those days and/or at any other time(s) and to then implement the outcome of the risk assessment.
- Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises or in the vicinity on BCP land.
- Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request
- The premises shall maintain membership of the PubWatch scheme (or any successor scheme); a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives.

Off sales:

- A maximum of six alcoholic drinks may be purchased at any one time per customer.
- Wine to be sold by the glass

Environmental Health Agreed Conditions

- No noise by plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a statutory nuisance.
- Live and recorded music from the outdoor bar / dining area shall not exceed the background noise level by more than 10 dB(A) over a 15 minute period.
- Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas by the operator. This condition does not apply to commercial waste services collecting any such materials.

Copy of correspondence with agreed conditions is attached at Appendix 5.

9. The conditions agreed by Dorset Police and Environmental Health were forwarded to other persons.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters: -
- The representation made by one other person.
 - The relevant licensing objectives, namely the prevention of crime and disorder, public safety 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

11. N/A.

Summary of legal implications

12. If Members decide to refuse the application or attach condition to the licence, which the applicant does not agree to, the applicant may appeal to the Magistrate's 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

13. N/A.

Summary of sustainability impact

14. N/A.

Summary of public health implications

15. N/A.

Summary of equality implications

- (a) N/A.

Summary of risk assessment

16. N/A.

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.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 and plan
- 2 – Copy of Bistro on the Beach premises licence and approved plan
- 3 – Copy Variation Application to Bistro on the Beach Licence
- 4 – Copy representations
- 5 – Conditions agreed with Dorset Police & Environmental Health