

LICENSING SUB-COMMITTEE



Report subject	Sunset Beach at Aruba, Pier Approach, Bournemouth
Meeting date	18 January 2023
Status	Public Report
Executive summary	<p>Mrs Julia Palmer of JCP Law has made an application on behalf of Aruba Limited for a new premises licence at Sunset Beach at Aruba, Pier Approach, Bournemouth.</p> <p>The application is to permit Plays, Films, Live Music, Recorded Music, Performance of Dance and Supply of Alcohol (On & Off) Monday to Sunday 10:00 to 23:00 and Late Night Refreshment Monday to Sunday 23:00 to 05:00.</p> <p>The licence is for a limited period from 1 April 2023 to 30 September 2028 and shall only operate during the period of 1st of April and 30th of September each year.</p> <p>The Licensing Authority has received one representation from Dorset Police on the prevention of crime and disorder licensing objective.</p>
Recommendations	<p>It is RECOMMENDED that:</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. 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 representation.</p> <p>Where representations have been received in relation to an application by 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	Tania Jardim – Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 1st of December 2022. The application is to permit the following activities at Sunset Beach on Pier Approach, Bournemouth: -
 - Plays – Monday to Sunday 10:00 to 23:00
 - Films – Monday to Sunday 10:00 to 23:00
 - Live Music – Monday to Sunday 10:00 to 23:00
 - Recorded Music – Monday to Sunday 10:00 to 23:00
 - Performances of Dance – Monday to Sunday 10:00 to 23:00
 - Late Night Refreshment – Monday to Sunday 23:00 to 05:00
 - Supply of Alcohol (On & Off) – Monday to Sunday 10:00 to 23:00
2. The licence is for a limited period from 1 April 2023 to 30 September 2028 and the premises shall only operate during the summer months, between 1st of April to 30th of September. A copy of the application, proposed conditions, site layout and photos of the area are attached at Appendix 1.
3. The site already benefits from a premises licence held in the name of Bournemouth Christchurch Poole Council which permits the same activities as applied for by the applicant, however, off sales of alcohol are not permitted. A copy of this licence is attached at Appendix 2.
4. Should this application be granted it is proposed that the current licence, referred to at appendix 2, shall be left in abeyance.

Consultation

5. The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
6. The application prompted a representation from Dorset Police on the grounds that granting the application would undermine the prevention of crime and disorder licensing objective. Copy of the representation is attached at Appendix 3.

Options Appraisal

7. Before making a decision, Members are asked to consider the following matters: -
- The representation made by Dorset Police.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder.
 - The Licensing Act 2003, Regulations, Guidance and 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://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 of Licence Application, Proposed Conditions, Site Layout and Photos.
2. Copy of BH085430 Licence.
3. Copy representation from Dorset Police