

# LICENSING SUB-COMMITTEE



Report subject	<b>Gaja, 360 Charminster Road, Bournemouth, BH8 9RX</b>
Meeting date	6 December 2023
Status	Public Report
Executive summary	<p>KW Trading Limited have submitted an application for a premises licence at 360 Charminster Road, Bournemouth. The application is to permit the following licensable activities: -</p> <p><u>Live Music</u> (Indoors) Friday to Sunday 18:00 to 00:00</p> <p><u>Recorded Music</u> (Indoors) Monday to Thursday 12:00 to 00:00 Friday to Sunday 12:00 to 02:00</p> <p><u>Supply of alcohol</u> (On &amp; Off Sales) Monday to Thursday 12:00 to 00:00 Friday to Sunday 12:00 to 02:00</p> <p>The Licensing Authority has received three representations 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><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <p><b>a) Grant the application for a premises licence as made;</b></p> <p><b>b) Refuse the application for a premises licence;</b></p> <p><b>c) Grant the premises licence subject to additional conditions.</b></p> <p><b>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.</b></p>
Reason for recommendations	The Licensing Authority has received three representations from other persons in objection to the application on the grounds that to

	<p>grant the application, would undermine the prevention of crime and 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 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>
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Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Queen's Park
Classification	For Decision

## Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 16 October 2023. The application is to permit Live Music Friday to Sunday 18:00 to 00:00, Recorded Music and the Supply of Alcohol for consumption on and off the premises, Monday to Thursday 12:00 to 00:00 and Friday to Sunday 12:00 to 02:00. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.
3. The premises currently benefit from a premises licence, BH168220, held in the name of Mr Thavanasen Naidoo, who is the proposed Designated Premises Supervisor under the new application. The current premises licence permits the Supply of Alcohol for consumption on the premises Monday to Sunday 11:00 to 22:00. A copy of the current licence is attached at Appendix 3.
4. The applicant has advised that should the new licence be granted, the current licence will be surrendered.

## Consultation

5. 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.
6. The application prompted three 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.
7. In addition to the representations, one of the parties also provided the result of a survey/ petition they carried out and this is included as appendix 5.
8. The applicant entered into mediation with Trading Standards and the following conditions (attached at Appendix 6) were agreed: -
  - *Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.*

- *All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.*
9. Mediation also took place between the applicant and Dorset Police, and it was agreed that the terminal hour for sale of alcohol be amended to 22:30 to facilitate effective close of premises at 23:00. The following conditions (attached at Appendix 7) were also agreed: -
- *Alcohol shall be accompanied by food prepared and served on the premises*
  - *A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.*
  - *Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises.*
  - *The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately and/or downloaded upon the request of Police or any authorised officer of the council throughout the preceding 31 day period and in line with data protection regulations*
  - *The CCTV system shall be updated and maintained according to police recommendations.*
  - *A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.*
  - *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.*
  - *The premises shall maintain a written Refusals register to record any occasion on which the sale of supply of alcohol is refused and the reason for the refusal. The record shall be made available for inspection by police and other authorised officers on request.*
  - *The Refusals register shall be checked by the DPS or his/her deputy at least once a week and signed to that effect.*
  - *The premises will operate a "Challenge 25" policy and display signage to that effect.*

- *All staff involved in the sale of alcohol that do not themselves hold a personal licence will receive training on the terms and conditions of the licence and on restricted sales.*
  - *A written record of all staff training shall be maintained on the premises and made available for inspection by authorised officers on request.*
10. As a result of the mediation, the applicant has agreed to reduce the hours for recorded music to cease at 23:00 Monday to Sunday, as per the new agreed closing time and to remove live music altogether. It should be noted that any entertainment in the form of live or recorded music before 23:00 is permitted by way of a deregulation provided by the Live Music Act 2012 at venues which are licensed for alcohol.
  11. There are no representations from any other Responsible Authorities.
  12. As a result of representations, the applicant contacted the local residents who objected to their application in an attempt to address their concerns. A copy of this correspondence is attached at Appendix 8. Please note, where the applicant refers to four representations, this has now been reduced to three as one was withdrawn prior to the release of the report.
  13. The applicant has received three responses to these communications, and I attach these responses at appendix 9, numbered 1 to 3. Number 1 is a response from an individual that made their own representation, numbers 2 and 3 are from individuals who are included in the survey/petition that form part of another representation which is attached at Appendix 5.

### **Options Appraisal**

14. Before making a decision, Members are asked to consider the following matters: -
  - The representations made by three other persons.
  - The submissions made by or made on behalf of the applicant.
  - Mediated Conditions agreed with Trading Standards and Dorset Police.
  - The relevant licensing objectives, namely the prevention of crime and disorder and prevention of public nuisance.
  - The Licensing Act 2003, Regulations, Guidance and Council's Statement of Licensing Policy.

### **Summary of financial implications**

15. An appeal may be made against the decision of Members by the applicant or holder of the licence to the Magistrates' Court which could have a financial impact on the Council.

### **Summary of legal implications**

16. 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**

17. There are no human resources implications.

**Summary of sustainability impact**

18. There are no sustainability impact implications.

**Summary of public health implications**

19. There are no public health implications.

**Summary of equality implications**

20. There are no equity implications.

**Summary of risk assessment**

21. There is no risk assessment requirement.

**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 (August 2023)**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1178789/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_removal\\_of\\_minor\\_variation\\_relating\\_to\\_off\\_sales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relating_to_off_sales.pdf)

**Appendices**

- 1 – Copy Application and layout plan.
- 2 – Copy of location plan.
- 3 – Copy of current premises licence and approved plan.
- 4 – Copy representation from other persons.
- 5 – Copy Survey/Petition.
- 6 – Copy email mediation with Trading Standards.
- 7 – Copy email mediation with Dorset Police.
- 8 – Copy email response to objectors from applicant.

9 – Copy responses from local residents to applicant.